

Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:
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At: Cyng Patrick Heesom (Cadeirydd)

Y Cynghorwyr: Mike Allport, Sean Bibby, Chris Dolphin, Andy Dunbobbin, David Evans, Veronica Gay, George Hardcastle, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Joe Johnson, Vicky Perfect, Paul Shotton ac Owen Thomas

4 Mawrth 2020

Annwyl Gynghorydd,

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Trosolwg a Chraffu yr Amgylchedd a fydd yn cael ei gynnal am 10.00 am Dydd Mawrth, 10fed Mawrth, 2020 yn Ystafell Bwyllgor Delyn, Neuadd y Sir, Yr Wyddgrug CH7 6NA i ystyried yr eitemau canlynol

R H A G L E N

1 YMDDIHEURIADAU

Pwrpas: I dderbyn unrhyw ymddiheuriadau.

2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

Pwrpas: I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

3 COFNODION (Tudalennau 3 - 18)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfodydd ar 14 Ionawr a 11 Chwefror 2020.

4 RHAGLEN GWAITH I'R DYFODOL A OLRHAIN GWEITHRED (Tudalennau 19 - 26)

Adroddiad Hwylusydd Trosolwg a Chraffu yr Amgylchedd -

Pwrpas: I Ystyried y flaenraglen waith Pwyllgor Trosolwg & Chraffu yr Amgylchedd a rhoi gwybodaeth i'r Pwyllgor o'r cynnydd yn erbyn camau gweithredu o'r cyfarfod blaenorol.

5 YMCHWILIAD YR OMBWDSMAN (ADRODDIAD CYHOEDDUS)

(Tudalennau 27 - 62)

Adroddiad Prif Swyddog (Cynllunio, Amgylchedd ac Economi) - Aelod Cabinet dros Gynllunio a Diogelu'r Cyhoedd

Pwrpas: Rhannu canlyniad ymchwiliad yn ymwneud â methiant Cyngor Sir y Fflint i weithredu yn amserol a phriodol i ymdrin â lle golchi ceir a oedd yn achosi Niwsans Statudol o ran sŵn a chwistrellu dŵr/cemegau.

6 ADRODDIAD MONITRO CHWARTER 3 CYNLLUN Y CYNGOR AR GYFER 2019/20 (Tudalennau 63 - 112)

Adroddiad Prif Swyddog (Cynllunio, Amgylchedd ac Economi), Prif Swyddog (Stryd a Chludliant) - Aelod Cabinet dros Gynllunio a Diogelu'r Cyhoedd, Dirprwy Arweinydd ac Aelod Cabinet dros Strydlun a Chefn Gwlad

Pwrpas: Adolygu'r cynnydd wrth gyflawni gweithgareddau, lefelau perfformiad a lefelau risg presennol fel y nodwyd yng Nghynllun y Cyngor 2019/20.

7 DIWEDDARIAD AR DALIADAU GWASTRAFF GERDDI YN SIR Y FFLINT

(Tudalennau 113 - 118)

Adroddiad Prif Swyddog (Stryd a Chludliant) - Dirprwy Arweinydd ac Aelod Cabinet dros Strydlun a Chefn Gwlad

Pwrpas: Rhoi diweddariad i'r Pwyllgor Craffu ar nifer y trwyddedau gwastraff gwyrdd a werthwyd yn nhymor 2020.

8 TRWYDDEDU GWASTRAFF A LLIF DATA (Tudalennau 119 - 122)

Adroddiad Prif Swyddog (Stryd a Chludliant) - Dirprwy Arweinydd ac Aelod Cabinet dros Strydlun a Chefn Gwlad

Pwrpas: Darparu manylion y mecanwaith adrodd i'r Pwyllgor Craffu ar gyfer deunydd gwastraff, er mwyn gallu mesur perfformiad ailgylchu.

Yn gywir



Robert Robins
Rheolwr Gwasanaethau Democraidd

Eitem ar gyfer y Rhaglen 3

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE **14 JANUARY 2020**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at County Hall, Mold on Tuesday, 14 January 2020

PRESENT: Councillor Patrick Heesom (Chairman)

Councillors: Mike Allport, Sean Bibby, Andy Dunbobbin, David Evans, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Vicky Perfect, Paul Shotton and Owen Thomas

SUBSTITUTIONS: Councillors: Geoff Collett (for Joe Johnson) and Kevin Hughes (for Chris Dolphin)

APOLOGIES: Councillor George Hardcastle

ALSO PRESENT: Councillors Marion Bateman and Haydn Bateman

CONTRIBUTORS: Councillor Carolyn Thomas, Deputy Leader and Cabinet Member for Streetscene & Countryside; Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Derek Butler, Cabinet Member for Economic Development, Chief Officer (Planning, Environment & Economy); and Chief Officer (Streetscene & Transportation), Highways Network Manager, and Regulatory Services Manager

IN ATTENDANCE: Environment Overview & Scrutiny Facilitator and Democratic Services Officer

52. VARIATION IN ORDER OF AGENDA

Following a suggestion by the Chair, a change in the order of business was agreed to bring forward agenda item 9, The Council's Response to the Challenges of Climate Change.

53. DECLARATIONS OF INTEREST

None.

54. MINUTES

The minutes of the meeting held on 10 December 2019 were submitted.

The minutes were moved for approval by Councillor Patrick Heesom and seconded by Councillor Andy Dunbobbin.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

55. FORWARD WORK PROGRAMME AND ACTION TRACKING

The Facilitator presented the current Forward Work Programme. She advised that an item on the Ombudsman's report on investigation against Flintshire into a car wash which was causing a statutory nuisance of noise and water/chemical spray would be included on the agenda for the next meeting on 10 March. Councillor Derek Butler asked if consideration could also be given to a car wash service located at Broughton. The Chief Officer (Planning, Environment & Economy) agreed to provide a report on the regulation of car wash services in Flintshire to a future meeting of the Committee.

It was agreed that the following items scheduled for the meeting to be held on 10 March would be deferred to a later date:

- Fleet electrification
- Provision of MOT's and other Commercial Opportunities

The recommendations were moved by Councillor Andy Dunbobbin and seconded by Councillor Paul Shotton.

RESOLVED:

- (a) That the Forward Work Programme be approved;
- (b) That the Facilitator, in consultation with the Chairman of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises; and
- (c) That the Committee notes the progress made in completing the outstanding actions.

56. THE COUNCIL'S RESPONSE TO THE CHALLENGES OF CLIMATE CHANGE

The Chief Officer (Planning, Environment & Economy) presented a report to update the Committee on the Council's response to the challenges of climate change. He provided background information and referred to the key considerations. He advised that it had been agreed that an all Member workshop would be held on 25 February, to engage with elected Members on the challenges of climate change. The Chief Officer explained that the report to the meeting of Cabinet on 17 December, which was appended to the report, sets out the challenges to the public sector in general, and Flintshire County

Council in particular, in meeting the Welsh Government's target of a carbon neutral public sector by 2030.

The Chair thanked the Chief Officer for a comprehensive report.

In response to the comments made by Councillor David Evans regarding the role of Planning in reducing carbon emissions, the Chief Officer commented on the Local Development Plan which would contain a suite of policies designed to address climate change.

Referring to the information on bio-diversity in the report, Councillor Kevin Hughes expressed the view that increasing the urban canopy cover from 14.5 to 18% by 2033 was ambitious due to the impact of Ash die back. Councillor Hughes asked if Flintshire could legally adopt a local procurement policy. He also commented on the need for a proactive press and communication campaign to promote the Council's approach to climate change.

Councillor Dennis Hutchinson commented on the use of enforcement in the private sector to ensure reduction in emissions.

Councillor Carolyn Thomas commented on the impact of climate change across all service areas in the Authority and reported on the corporate work being undertaken to respond to the challenge.

During discussion the Chief Officer responded to the further comments raised by Members concerning, flood risk, change in economies around renewables, reducing the use of plastic materials, and collaborative work with other local authorities.

The Chairman encouraged Members to promote awareness of the challenges of climate change with their local Town/Community Council.

The recommendations in the report were moved by Councillor Kevin Hughes and seconded by Councillor Cindy Hinds.

RESOLVED:

That the content of the attached Cabinet report in preparation for the all-Member workshop on 25 February 2020 be noted and promoted.

57. GRASS CUTTING POLICY REVIEW AND WILDFLOWERS ON GRASS VERGES

The Highways Network Manager presented a report to seek a recommendation to Cabinet to accept the revisions to the existing Grass Cutting Standard. He provided background information and advised that the Grass Cutting Policy had

been revised in January 2018 and a copy was appended to the report. The programme of grass cutting was scheduled as described in the Policy.

The Highways Network Manager reported on the main considerations relating to the grass cutting policy and grass collection, as detailed in the report. He also referred to the pilot programme of wildflower planting and managing areas for bio-diversity.

Councillor Dennis Hutchinson expressed concerns around matters in his Ward relating to the grass cutting and clearance/collection services provided for some of his residents.

Councillor Owen Thomas commented on matters of safety around obstruction of visibility at junctions, bends, and rural lanes. He also referred to issues arising on the length of grass, and said there was a need for drainage on publicly accessible land, green spaces and playing fields.

Referring to a previous request from the Committee for information on the collection of grass cuttings, Councillor David Evans accepted the explanation, as detailed in the report, that it would be too costly for the Authority to provide that service. Councillor Evans said he was pleased that supervisors would be given discretion to request the removal of grass cuttings if necessary.

Councillor Carolyn Thomas acknowledged the concerns raised and said they would be looked into.

Councillor Paul Shotton supported the proposal to undertake a Winter Cut in January 2020 where appropriate. He also spoke in support of the initiatives for wildflower planting, as detailed in the report.

The recommendations in the report were moved by Councillor Paul Shotton and seconded by Councillor Sean Bibby.

RESOLVED:

- (a) That the Committee notes the cost of collecting grass during the grass cutting operation and recommends Cabinet approves the current policy; and
- (b) That the Committee supports the pilot programme of wildflower planting and managing areas for biodiversity with those Town & Community Councils who have expressed an interest in supporting the initiative.

58. OUTCOMES OF WALES AUDIT OFFICE AUDIT OF FLINTSHIRE HOUSEHOLD RECYCLING CENTRES

The Chief Officer (Streetscene and Transportation) presented a report on the outcome of the recent Wales Audit Office report on Flintshire Household

Recycling Centres (HRC's). The Chief Officer provided background information and referred to the survey, during April and May 2019, of HRC's in Flintshire by the Wales Audit Office (WAO) to consider the Council's current arrangements and performance against the vision set out in the Municipal Waste Strategy. He advised that the report detailed the findings of the audit report and provided recommendations for service delivery in future years.

The Chief Officer invited the Regulatory Services Manager to report on the key considerations, as detailed in the report. In conclusion she advised that the WAO had reported that the Council was following a clearly set out vision, continued to invest in its HRC's and had listened to service users to help it secure public satisfaction. A recommendation to improve Flintshire's residents understanding of recycling mirrored the outcome of the Council's own public survey which took place during September/October 2019. The WAO survey also highlighted the concerns of residents regarding the opening hours of HRC sites and had requested regular opening hours during the year. It was proposed that the opening hours remained the same throughout the year.

Councillor David Evans commented on his experience of using a local HRC site and expressed some concerns around the site operation. He welcomed the change in opening and closing times which would ensure consistency throughout the year.

The Chair commended the Chief Officer and his team on the wide range of recyclable and waste materials accepted at HRC sites.

Councillor Kevin Hughes also congratulated the Chief Officer on the Christmas recycling campaign which he said had been well promoted through social media etc. Councillor Hughes commented on the issue of disposal of asbestos which was only available at Buckley and Greenfield HRC sites and expressed the view that this could result in fly-tipping of asbestos waste. The Regulatory Services Manager explained that disposal of asbestos required an environmental permit which was only available at two HRC sites in Flintshire but could be reviewed in the future.

The recommendations were moved by Councillor Ray Hughes and seconded by Councillor Andy Dunbobbin.

RESOLVED:

- (a) That the outcome of the Wales Audit Office audit on Flintshire Household Recycling Centres be noted; and
- (b) That the recommendations from the report to improve recycling understanding and the working arrangements on Flintshire Household Recycling Centres be supported.

59. EFFECT ON THE PUBLIC HIGHWAY OF ROADWORKS BY UTILITY COMPANIES

The Chief Officer (Streetscene and Transportation) introduced a report to provide an overview of the statutory requirements of the Council to manage and inspect the Highway Network during roadworks undertaken by Public Utilities and other organisations. He provided background information and reported on the main considerations as outlined in the report.

The Chief Officer advised that the Council facilitated quarterly co-ordination meetings with all the utility companies that operated in the County. The purpose of the meetings was to explore opportunities for all works promoters to share long term plans for asset upgrades and major maintenance projects and promote opportunities for trench, site sharing, and long term strategic road space booking. Each time a utility carried out roadworks on the highway their subsequent reinstatement was guaranteed for a period of 2 years. If defects were identified within the 2 years the utility were responsible for any remedial works, following this period the burden fell on the Council. Under section 72 of the New Roads and Street Works Act the Highway Authority were empowered to carry out investigatory works to check whether or not a utility had complied with the duties placed on it in respect of reinstatement of the street. To ensure the burden of remedial costs do not fall onto the Council, Flintshire inspect a far higher percentage than required. In addition to the visual inspection, in April 2019, the Council introduced a core sampling programme on completed reinstatements.

The Council issued a roadworks bulletin to all stakeholders on a weekly basis which included details of all planned works for the following week. The Council used the 'One Network' mapping platform which detailed road works on the network in real-time.

The Chair commended the Chief Officer and his team on the work undertaken by the Council as Highway Authority in relation to utility works carried out on the Highway Network.

The recommendation was moved by Councillor Paul Shotton and seconded by Councillor Andy Dunbobbin.

RESOLVED:

That the Committee notes the content of the report and acknowledges the statutory framework and duties on the Council as Highway Authority in relation to utility works carried out on the Highway Network.

60. THE INSTALLATION OF VEHICULAR CROSSINGS ON THE PUBLIC HIGHWAY

The Highways Network Manager presented a report to provide details of the policy and processes required to lower highway kerbs to allow access to private properties.

The Highways Network Manager advised that most properties in the County had existing crossing points and the Council, as Highway Authority, were responsible for maintaining the facility. However, the Council regularly receives requests for additional or new access points and a policy for the installation of new Vehicular Crossings had been previously approved by Cabinet. Residents could apply to lower the kerb outside their property and install a vehicular access to their property from the adopted highway network which would be constructed to an agreed specification and at the cost of the applicant. Details of the processes associated with the installation of vehicular crossings was appended to the report.

Councillor Sean Bibby raised a number of concerns regarding on street parking and dropped kerbs. In response the Highways Network Manager referred to Section 3 of the Policy addressing vehicular crossings and advised that each application was considered in the context of what was most appropriate for the street.

Councillor Chris Bithell queried what procedures were in place to ensure that dropped kerbs were authorised and what action was taken if not. The Chef Officer advised that if the Council are made aware of unauthorised work then retrospective action could be taken.

The recommendation was moved by Councillor David Evans and seconded by Councillor Owen Thomas.

RESOLVED:

That the process for installing a vehicular crossing on the Highway Network be noted.

61. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 10.00 am and ended at 12.15 pm)

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Chairman

Mae'r dudalen hon yn wag yn bwrpasol

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
11 FEBRUARY 2020

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at County Hall, Mold on Tuesday, 11 February 2020

PRESENT: Councillor Patrick Heesom (Chairman)

Councillors: Mike Allport, Chris Dolphin, David Evans, George Hardcastle, Ray Hughes, Joe Johnson, Vicky Perfect, Paul Shotton and Owen Thomas

SUBSTITUTIONS: Councillors: Paul Johnson (for Cindy Hinds), Mike Peers (for Veronica Gay) and David Wisinger (for Andy Dunbobbin)

APOLOGIES: Councillor Sean Bibby

ALSO PRESENT: Councillors Marion Bateman and Haydn Bateman

CONTRIBUTORS: Councillor Carolyn Thomas, Deputy Leader and Cabinet Member for Streetscene & Countryside and Chief Officer (Streetscene & Transportation)

Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Derek Butler, Cabinet Member for Economic Development; Chief Officer (Planning, Environment & Economy); Highway Strategy Manager and Senior Technical & Performance Manager for Agenda item 3 – Flintshire County Council’s Integrated Transport Strategy

Highway Network Manager for Agenda item 4 – Recovery of Costs following damage to the Highway Network

Service Delivery Manager for Agenda item 5 – Alltami Depot Stores

IN ATTENDANCE: Environment and Social & Health Care Overview & Scrutiny Facilitator and Education and Community Overview & Scrutiny Facilitator

62. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal interest in Agenda item 3 - Flintshire County Council’s Integrated Transport Strategy, as Chair of Governors at Mountain Lane C.P. School.

Councillor Paul Shotton declared a personal interest in Agenda item 3 - Flintshire County Council’s Integrated Transport Strategy, as a School Governor at Ysgol Bryn Deva and Connah’s Quay High School.

63. FLINTSHIRE COUNTY COUNCIL'S INTEGRATED TRANSPORT STRATEGY

The Chief Officer (Streetscene & Transportation) presented a report to update the Committee on the work being carried out to develop the Flintshire Integrated Transport Strategy, last presented to Cabinet in 2018.

The Chief Officer and Highway Strategy Manager gave a joint presentation, which covered the following areas:-

- Transport Hierarchy in Wales;
- Aims and Objectives
- A Fully Integrated Solution;
- Flintshire's Key Priorities; and
- The Key to Success

Councillor Paul Shotton thanked officers for their work in producing the Integrated Transport Strategy, a comment which was supported by a number of Members of the Committee. He detailed the initiatives introduced in Connah's Quay, including the installation of a pedestrian crossing on Mold Road and the improvements to the Deeside Shuttle Service, which were welcomed. He sought assurance around the frequency and security of the bus network going forward to enable people to continue to access employment at the Deeside Industrial Park.

In response to his question, Councillor Dave Wisinger welcomed the information provided by the Deputy Leader and Cabinet Member on the introduction of a cycle path from Mold to Airbus which would link to the Deeside Industrial Park and take in Queensferry and Sandycroft.

Councillor Chris Dolphin welcomed the work being carried out to provide bus services to rural areas. He raised concerns around Transport for Wales reducing rail times and the frequency of service in North Wales but welcomed the comments from the Deputy Leader and Cabinet Member that feedback and representations on these concerns had been made by the Council. He also welcomed the proposed safety measures for the Well Hill, Holywell. In response to his request on the updating of bus timetables at bus stations across Flintshire, the Deputy Leader and Cabinet Member gave an assurance that this was in the process of being updated.

Councillor David Evans asked for clarification on the exact location for people to access the Deeside Shuttle Service. The Chief Officer explained that work was progressing to enable the pick-up/drop off point for the Deeside Shuttle Service to be at the TATA Steel Road.

Councillor Owen Thomas said he would have liked to see reference to the electrification of the railway line included within the Strategy and also commented on the regular diversions put in place due to incidents along the A55 which he felt had an adverse impact on the County's network. The Chief

Officer reported that the Welsh Government were currently looking at pinch points following diversions from the A55 but assured Members that the Council did seek additional funding for improvement works as a result of additional use of the County's network.

Councillor George Hardcastle raised concerns around the proposals to introduce a cycle route along Aston Hill and the lack of consultation that had been carried out with Local Members. He had safety concerns if the cycle route did not include safety barriers. The Chief Officer agreed to pick this up with Councillor Hardcastle following the meeting.

Councillor Mike Peers commented on the aims and objectives of the Strategy but felt that the Council had not fulfilled these yet. He requested that a report on additional services along the borderline be submitted to a future meeting of the Committee following Councillor Dave Evans' previous concerns that additional services could result in a reduction in station stops. He welcomed the safety measures introduced at Mountain Lane C.P. School but raised concerns that they were not being enforced and asked whether the trial use of cameras at the location could be considered. He also questioned the £10 charge for the use of the Demand Responsive Transport Service and was concerned that this put residents in rural areas at a disadvantage. The Deputy Leader and Cabinet Member detailed the work being undertaken by officers to meet the aims and objectives of the Strategy, including partnership working with Wrexham County Borough Council to improve transport links to Wrexham Maelor Hospital. She also explained that during consultation residents had been agreeable with the £10 charge as the service was reliant on the availability of grant funding to make it viable to continue in the future. The Chief Officer said that it was hoped that by holding information on the residents using the Demand Responsive Transport Service, it would be possible in the future to contact them when events were organised in their area, to assist in providing them with transport to these events.

In response to comments made by Councillor Peers on the number of initiatives outlined within the report in Deeside, the Cabinet Member for Economic Development commented on the level of funding which had been removed from the service over the last 10 years. He advised that there was no bus route to Deeside Industrial Park but commented on the importance of ensuring that the 9,000 employed at the Park could access employment through public transport.

Councillor Ray Hughes raised concerns around the removal of a bus route within his own ward and asked what assistance could be given to the residents to access amenities. The Deputy Leader and Cabinet Member explained that the Demand Responsive Transport Service would assist residents and provided details of its launch earlier in the day. She agreed to circulate information on this Service to all Members following the meeting.

Councillor Paul Johnson whilst welcoming the report said that there was a need for regulated fares, commenting on the high cost of a train from Flint to London. The Chief Officer said that the fares for rail journeys was out of the Council's control but if the service was reliable then it was hoped more people would use the service and therefore there could be a reduction in fares in the future.

RESOLVED:

- (a) That the hierarchy of transport strategy within Wales and the relationship between national and local policy which help identify the direct interventions needed to deliver key transport improvements be noted; and
- (b) That the Council's progress on the key interventions defined within the current North Wales Joint Local Transport Plan (NWJLTP) be noted.

64. RECOVERY OF COSTS FOLLOWING DAMAGE TO THE HIGHWAY NETWORK

The Highway Network Manager presented a report to inform the Committee of the process involved in reclaiming costs incurred by the Council and to provide assurance that agreed procedures were being followed. The Streetscene & Transportation service were regularly requested to attend traffic accidents and other incidents to clear debris or make repairs to the Carriageway when accidents and incidents occurred on the highway network. On these occasions, the highway network team looked to record costs, and identify those responsible for the incidents by working with North Wales Police and the Driver and Vehicle Licensing Agency (DVLA), in an effort to recover costs from the individual or their insurers.

A recent internal audit of the processes in place had been requested by the service area as part of the scheduled internal audit programme. The audit took place in October 2019 and identified that the written procedures in place were acceptable and covered the process for recovering costs of rechargeable works. However, the internal audit identified that these were not being consistently followed and inaccuracies were apparent in the recorded information against claims held. Significant work had been undertaken by the service area since the audit report to refresh the process and respond to the areas identified for improvement, which were detailed within the report.

The Highway Network Manager advised that the service area do not currently follow up the recovery of costs for incidents that involve fatalities due to the sensitivities of such action. The cost of the incidents was often high and roads could remain closed for many hours to allow the Police to investigate the cause of the incident. He asked the Committee to consider whether it felt that the recovery of these costs should be considered in the future.

Councillor David Evans asked whether the Council were successful in recovering the full costs from insurance companies and also if the rates of pay from insurance companies aligned with neighbouring authorities. The Highway Network Manager explained that insurance companies often negotiated the costs to be awarded and also challenged the life of an asset which had been damaged. In some instances it was necessary to write off the debt and this had to be agreed with the Corporate Finance Manager as the Section 151 Officer. The Highway Agency in England trialled a fixed rate of pay across local authorities but this was abandoned due to lack of agreement on the fixed rates.

In response to questions from Councillors Paul Shotton and Owen Thomas around the inspections of the highway network and the difficulties in recovering costs from incidents where vehicles damaged hedgerows, the Highway Network Manager explained the process for inspection the highway network following work undertaken by utility companies. He also explained that it was not possible for the Council to share information received through the DVLA with anyone else, but he agreed to speak to Councillor Thomas following the meeting about an incident that had occurred within his own ward.

Councillor Chris Dolphin commented on the non-recovery of costs following a fatality and suggested that the recovery of future costs be considered on a case by case basis.

The recommendations outlined within the report, together with the following additional recommendation, was moved by Councillor Chris Dolphin and seconded by Councillor Joe Johnson:-

- That the recovery of costs for incidents that involve fatalities, be considered on a case by case basis.

RESOLVED:

- (a) That the Committee note and support the process of recovering costs for repairs following damage to the highway network; and
- (c) That the recovery of costs for incidents that involve fatalities, be considered on a case by case basis.

65. ALLTAMI DEPOT STORES

The Service Delivery Manager presented a report to provide assurances around controls in place within the stores in Alltami depot. The Alltami depot stores was responsible for the safe and secure storage of all stock items and materials used at the depot, and additionally, ensuring that all plant and machinery used by the service was operated, inspected and serviced in accordance with planned schedules and legal requirements.

Internal audits of the depot stores were undertaken in July 2016, with a follow-up audit conducted in May 2019. The overall findings from the audits were that the controls in operation at the time provided some assurance that key risks were managed and controlled effectively, but that more could be done. The Service Delivery Manager reported on the new stores system in place, as detailed within the report, explaining that a delivery project team would be established to monitor delivery of the system, which would be reported on a monthly basis to the Senior Management Team meetings.

In response to a request from the Chairman, the Chief Officer (Streetscene & Transportation) said that a copy of the audit report would be made available to Members of the Committee. He also advised that the service had been complemented on the level of information provided during a recent health and safety inspection.

Councillor Mike Peers thanked officers for the report. He commented on obsolete stock items and materials stored at the depot and asked whether the service received full cost recovery on the items sent to auction and whether the money made was returned to the service. He raised concerns around the lack of systems in place in order to return unused items of stock and asked why it had taken 3 years for there to be a follow-up audit. He asked what the cost to the service was for agency staff not returning appropriate clothing at the end of their employment and raised concern on the van ladders previously purchased by the Housing Department and stored at the depot and asked if there had been a duplication in cost if they had not been moved for a number of years.

The Service Delivery Manager responded that where obsolete stock items, such as, old lanterns and crash barriers could not be used elsewhere, they were auctioned and full cost of the items was recovered. This money was given back to the streetscene service. She wasn't aware of why the follow-up audit had taken 3 years but could pick this up with them following the meeting. In relation to the cost of non-returned clothing, the Service Delivery Manager explained that the cost had not been picked up as part of the audit.

In response to a suggestion from Councillor Peers, the Chief Officer agreed to provide an update report to the Committee in six months' time in order to give assurance that the new working arrangements and processes were being followed correctly.

In response to a question from Councillor Chris Dolphin, the Service Delivery Manager advised that it was a statutory obligation to provide personal protective equipment and appropriate clothing to all employees.

Councillor Owen Thomas commented on the level of stock and goods on Council vehicles which he felt could be targeted. The Service Delivery Manager explained that Council vehicles remained at the depot overnight and that no stock or goods were left on the vehicles.

The recommendation outlined within the report was moved by Councillor Paul Shotton and seconded by Councillor David Evans.

RESOLVED:

That the working arrangements within the Streetscene & Transportation depot stores, and actions undertaken to control material and equipment held within the stores be supported.

61. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press and public in attendance.

(The meeting started at 2.00 pm and ended at 4.29 pm)

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Chairman

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4



ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Tuesday 10 March 2020
Report Subject	Forward Work Programme and Action Tracking
Cabinet Member	Not applicable
Report Author	Environment Overview & Scrutiny Facilitator
Type of Report	Operational

EXECUTIVE SUMMARY

Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work programme of the Committee of which they are Members. By reviewing and prioritising the Forward Work Programme Members are able to ensure it is Member-led and includes the right issues. A copy of the Forward Work Programme is attached at Appendix 1 for Members' consideration which has been updated following the last meeting.

The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Environment Overview & Scrutiny Committee.

The report also shows actions arising from previous meetings of the Environment Overview & Scrutiny Committee and the progress made in completing them. Any outstanding actions will be continued to be reported to the Committee as shown in Appendix 2.

RECOMMENDATION

1	That the Committee considers the draft Forward Work Programme and approve/amend as necessary.
2	That the Facilitator, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arises.
3	That the Committee notes the progress made in completing the outstanding actions.

REPORT DETAILS

1.00	EXPLAINING THE FORWARD WORK PROGRAMME AND ACTION TRACKING
1.01	Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council or Chief Officers. Other possible items are identified from the Cabinet Work Programme and the Improvement Plan.
1.02	<p>In identifying topics for future consideration, it is useful for a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:</p> <ol style="list-style-type: none">1. Will the review contribute to the Council's priorities and/or objectives?2. Is it an area of major change or risk?3. Are there issues of concern in performance?4. Is there new Government guidance of legislation?5. Is it prompted by the work carried out by Regulators/Internal Audit?6. Is the issue of public or Member concern?
1.03	In previous meetings, requests for information, reports or actions have been made. These have been summarised as action points. Following a meeting of the Corporate Resources Overview & Scrutiny Committee in July 2018, it was recognised that there was a need to formalise such reporting back to Overview & Scrutiny Committees, as 'Matters Arising' was not an item which can feature on an agenda.
1.04	It was suggested that the 'Action tracking' approach be trialled for the Corporate Resources Overview & Scrutiny Committee. Following a successful trial, it was agreed to extend the approach to all Overview & Scrutiny Committees.
1.05	The Action Tracking details including an update on progress is attached at Appendix 2.

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	In some cases, action owners have been contacted to provide an update on their actions.

4.00	RISK MANAGEMENT
4.01	None as a result of this report.

5.00	APPENDICES
5.01	Appendix 1 – Draft Forward Work Programme Appendix 2 – Action Tracking for the Environment OSC.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Minutes of previous meetings of the Committee as identified in Appendix 2. Contact Officer: Margaret Parry-Jones Overview & Scrutiny Facilitator Telephone: 01352 702427 E-mail: Margaret.parry-jones@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Improvement Plan: the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish an Improvement Plan.

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CURRENT FWP

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
Tuesday 7 th April 10.00 am	Visit to Parc Adfer			Chief Officer Streetscene & Transportation	
Tudalen 23	Fleet Electrification	To consider proposals for fleet electrification.	Consultation	Chief Officer Streetscene & Transportation	
	Pest Control	To receive an update on work taking place across Housing, Streetscene and Environmental Health.	Assurance	Chief Officer Planning, Environment & Economy	
	Maintenance of ditches and watercourses	To clarify maintenance responsibilities for highway ditches and watercourses.	Assurance	Chief Officer Streetscene and Transportation	
Tuesday 7 th July 10.00 am	Year-end Council Plan Monitoring Report	To enable members to fulfil their scrutiny role in relation to performance monitoring.	Performance Monitoring/ Assurance	Facilitator	

Items to be scheduled:-

Regulation of car wash services in Flintshire

Borderline Train Services – additional services and potential impact on stops

Update on Alltami depot stores to give assurance that new working arrangements and processes are effective (Sept 2020)

Mae'r dudalen hon yn wag yn bwrpasol

ACTION TRACKING FOR THE ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Meeting Date	Agenda Item	Action Required	Action Officer(s)	Action taken	Timescale
21.05.19	Mold to Broughton Cycleway	Detailed designs to be shared when completed. Not yet available.	Sue Price	Details will be shared when available.	On-going
17.09.19	Forward work programme/action tracking	Steve Jones to provide feedback to Committee when pothole trial is completed.	Steve Jones	The trial planned before Christmas had to be cancelled and is now planned to take place in the next few weeks. 08/1/2020	Ongoing
17.09.19	Forward work programme/action tracking	North Wales Regional Growth Deal – invitation to Community & Enterprise OSC when item is considered.	Margaret Parry-Jones	Invitation to be extended to Members of the Committee.	Ongoing
11.02.20	Flintshire Integrated Transport Strategy	Circulate Demand Responsive Transport leaflets to Members of the Committee	Anthony Stanford	Information circulated via email.	Completed
11.02.20	Recovery of costs following damage to the highway network	Circulate audit report	Katie Wilby	Information circulated via email	Completed
11.02.20	Alltami Depot Stores	Circulate audit report	Katie Wilby	Information circulated via email	Completed

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 5



ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday, 10 March 2020
Report Subject	Complaint made to the Public Services Ombudsman for Wales
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

The purpose of this report is to share the details of a complaint made against Flintshire County Council that was investigated by the Public Services Ombudsman for Wales in 2019.

RECOMMENDATIONS

1	Members are asked to note the content of the report by the Public Services Ombudsman for Wales.
2	Support the actions taken by Planning, Environment and Economy as outlined in paragraphs 54 and 55 of the report as set out in Appendix 2.

REPORT DETAILS

1.00	Explaining The Public Services Ombudsman for Wales Public Interest Report
1.01	Under Section 16 of the Public Services Ombudsman (Wales) Act 2005, the Ombudsman issued a public interest report on 9 January, 2020 about the Council's failure to take timely and appropriate action to deal with a car wash which was causing Statutory Nuisances of noise and water/chemical spray affecting a nearby property and which was also in breach of planning control. The complainant also complained that the Council failed to investigate and respond to its complaint appropriately and in line with the corporate complaints policy.

1.02	An anonymised copy of the full report is attached as Appendix 1. The report is anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted.
1.03	The Ombudsman found that despite identifying in 2014 that the car wash was causing a Statutory Nuisance, the Council did not open an appropriate case file until 18 months later and did not serve an Abatement Notice for a further 13 months. When the car wash continued to operate and cause the Statutory Nuisance, contravening the Abatement Notice, the Council took no further action.
1.04	The Ombudsman also found that the Council failed to respond to the complaint appropriately and escalate matters when it asked for assistance to raise a formal complaint.
1.05	<p>Following the publication of the report a number of actions in response to the report have been implemented. These actions include:</p> <ul style="list-style-type: none"> a) Staff have been reminded of the importance of dealing with correspondence appropriately, including signposting individuals who want to raise a formal complaint to the Customer Services Team; b) The Chief Officer for Planning, Environment and Economy has apologised in writing to the Landlord and included £1000 financial redress in recognition of the failings in complaints handling and the Landlord's time and trouble pursuing the complaint for at least 5 years; c) The Chief Officer for Planning, Environment and Economy has apologised in writing to the complainant and included £2500 financial redress for the failure to deal with Statutory Nuisances and in recognition of the persistent and prolonged exposure to unacceptable levels of noise and water spray for at least 5 years.
1.06	In addition to the actions outlined above, Planning and Public Protection are establishing what powers remain available to them to resolve the issues and reach resolution. Public Protection is also reviewing the Enforcement Policy to ensure that it remains relevant, effective and compliant with Welsh Government guidelines, legislation and best practice, with particular reference to Statutory Nuisances.
1.07	Planning and Public Protection are developing formal procedural arrangements for co-operation between departments to improve the efficacy and efficiency of inter-departmental collaboration, with an emphasis on Planning, Legal and Environmental Health. They are also considering how human rights can be embedded into its practice when deciding whether to take enforcement action and reviewing internal communication and escalation channels.
1.08	The corporate complaints policy will be reviewed to ensure it is clear who should have overall responsibility for investigating and responding to complaints where the matters concern different departments in the Council.

2.00	RESOURCE IMPLICATIONS
2.01	None applicable in relation to this report.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	None applicable in relation to this report.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	The Council has a duty under Section 17 of the Public Services Ombudsman (Wales) Act 2005 to publicise the report and make it available to the public at its offices and via its website. The Council complied with this duty and publication was made on 23 January, 2020.

5.00	APPENDICES
5.01	Appendix 1 – The investigation of a complaint against Flintshire County Council – Case 201900014.
5.02	Appendix 2 – Current status in relation to the recommendations of the PSOW.
5.03	Appendix 3 – Enforcement Audit Scope

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None.

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Andrew Farrow, Chief Officer Telephone: 01352 704523 E-mail: andrew.farrow@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	Public Services Ombudsman for Wales - investigates complaints by members of the public concerning maladministration, failure in a relevant service or failure to provide a relevant service by any "listed authority" in Wales.

Mae'r dudalen hon yn wag yn bwrpasol

The investigation of a complaint against
Flintshire County Council

A report by the
Public Services Ombudsman for Wales
Case: 201900014

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Introduction

This report is issued under s16 of the Public Services Ombudsman (Wales) Act 2005.

In accordance with the provisions of the Act, the report has been anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted. The report therefore refers to the complainant as “the Landlord”, and to the affected tenant as “Mr R”.

Summary

A Landlord complained that, between 2014 and 2019, Flintshire County Council failed to take timely and appropriate action to deal with a car wash which was causing Statutory Nuisances of noise and water/chemical spray affecting the Landlord's tenant, Mr R and which was also in breach of planning control. The Landlord also complained that the Council failed to investigate and respond to its complaint appropriately and in line with its Corporate Complaints Policy.

The Ombudsman found that despite identifying in 2014 that the car wash was causing a Statutory Nuisance, the Council did not open an appropriate case file until 18 months later and did not serve an Abatement Notice for a further 13 months. When the car wash continued to operate and cause the Statutory Nuisance, contravening the Abatement Notice, the Council took no further action. Consequently, Mr R had to endure significant persistent, disruptive and intrusive noise levels and water spray for a number of years. This was a significant injustice to the tenant and also to the Landlord, in view of the Landlord's obligations to its tenant and his right, under Article 8 of the Human Rights Act 1998, to the quiet and peaceful enjoyment of his home.

The Ombudsman found that the Council was aware from at least 2012 that the car wash did not have appropriate planning consent but it had almost no planning records from before August 2018. There were also failures in inter-departmental communication and co-operation. The lack of records coupled with the Council's inaction over the 5 years preceding August 2018 suggested that it did not fully consider whether to take enforcement action against the car wash and amounted to maladministration. Consequently, the Council could not explain the reasons behind its actions (and inaction) and moreover, it was impossible for the complaint to be dealt with fully and the history of the case in the Planning Department to be examined and evaluated.

The Ombudsman also found that the Council failed to respond to the Landlord's complaints appropriately and escalate them when it asked for assistance to raise a formal complaint. There was also an absence of clearly established ownership at senior levels in the Council, compounded by the length of time that the failures continued and a lack of regard for the

difficulties being faced by Mr R. Consequently, there was no appropriate investigation of the complaint and the Landlord received no meaningful response to its concerns.

The Council agreed that, within one month of the Ombudsman's report, it would:

- a) Remind relevant staff at all levels within the Council of the importance of dealing with correspondence appropriately, including signposting individuals who want to raise a formal complaint to the Corporate Complaints Team
- b) Offer a meaningful apology, in writing, to the Landlord along with £1000 financial redress in recognition of the failings in complaints handling, and the Landlord's time and trouble pursuing the complaint for at least 5 years
- c) Offer a meaningful apology, in writing, to Mr R, along with £2,500 financial redress for the failure to deal with the Statutory Nuisances and in recognition of the persistent and prolonged exposure of Mr R to unacceptable levels of noise and water spray for at least 5 years.

In January 2019 the Council reviewed and updated its policy on Planning Enforcement. The Council also agreed that, within 3 months of the Ombudsman's report, it would:

- (a) Share this report and its findings with relevant staff in the Planning, Environment and Legal Departments as well as with the Leader of the Council, the Cabinet Member for Planning and Public Protection, the Planning and Development Control Committee and the Environment Overview and Scrutiny Committee
- (b) Establish what powers remain available to it to resolve the issues and ensure that it fully exercises those powers as appropriate to achieve an ultimate resolution

- (c) Review its Public Protection Service Enforcement Policy, to ensure that it remains relevant, effective and compliant with Welsh Government guidelines, legislation and best practice, with particular reference to Statutory Nuisances
- (d) Develop formal procedural arrangements for co-operation between departments to improve the efficacy and efficiency of inter-departmental collaboration, with an emphasis on Planning, Legal and Environmental Health
- (e) Review the Complaints Policy to ensure it is clear who should have overall responsibility for investigating and responding to complaints, particularly where the matters concern different departments in the Council
- (f) Reflect on how the consideration of human rights can be embedded into its practice when deciding whether to take enforcement action, with particular reference to planning control and investigations into Statutory Nuisances
- (g) Review its internal communication and escalation channels to ensure that staff can raise concerns during their day-to-day work which can then be managed constructively, to encourage ownership and accountability whilst discouraging a “blame culture”.

The Complaint

1. Body A (“the Landlord”) complained that between 2014 and 2019, Flintshire County Council (“the Council”) failed to take timely and appropriate action to deal with:
 - a) An identified Statutory Nuisance relating to:
 - i. Noise
 - ii. Water/chemical spray
 - b) A breach of planning control.
2. The Landlord also complained that the Council failed to investigate and respond to its complaint appropriately and in line with its Corporate Complaints Policy (“the Complaints Policy”).

Investigation

3. I obtained comments and copies of relevant documents from the Council. There were barely any records available from the Planning Department for the time period and therefore I was obliged to extract as much information as possible about its actions from the records of the Environmental Health Department. I considered all the information available in conjunction with the evidence provided by the Landlord. I have not included every detail investigated in this report, but I am satisfied that nothing of significance has been overlooked.
4. Both the Landlord and the Council were given the opportunity to see and comment on a draft of this report before the final version was issued.

Relevant legislation and guidance

5. The Town and Country Planning Act 1990 provides the Council with discretionary powers to enforce planning control regulations and take enforcement action. A Planning Contravention Notice may be served to obtain information as a pre-requisite to enforcement action, such as serving a Planning Enforcement Notice. If a Planning Enforcement Notice

is served, a Stop Notice may also be issued to prohibit any or all of the activities which comprise the specified breach. However, there are restrictions on when a Stop Notice may be used and what activities it may prohibit.

6. Planning Guidance (Wales) Technical Advice Note 9: Enforcement of Planning Control 1997 states that initial steps should explore, with the responsible person, what might be done to reduce any adverse effects on public amenity. The intention should be to provide remedy in the event of significant or unacceptable effects of the breach.¹

7. Planning Guidance (Wales) Technical Advice Note 11: Noise 1997 confirms that planning conditions can be imposed, when granting an application, to minimise the adverse noise impact of developments or change of use and prevent an unacceptable degree of disturbance.

8. The Planning (Wales) Act 2015 provides that the Council may issue an Enforcement Warning Notice before considering enforcement action where there is a reasonable prospect that a retrospective planning application may be granted.

9. The Welsh Government Development Management Manual 2016 (revised 2017) encourages prompt decision making and action because well-established unauthorised development is often more difficult to remedy. It also states that the Council should regularly review the efficiency and effectiveness of inter-departmental co-operation. Revised procedural arrangements should be introduced where necessary in the assessment process to ensure that administrative delays do not allow statutory time limits for taking enforcement action to expire.

10. The Environmental Protection Act 1990 defines a Statutory Nuisance as “an unlawful interference with a person’s use or enjoyment of land”. It places a duty on the Council to detect Statutory Nuisances and take steps to investigate any complaints it receives. If a Statutory Nuisance exists or is likely to occur or recur, an Abatement Notice must be served on the person responsible which can require the nuisance to be stopped, reduced, mitigated and/or limited to certain times of the day. Failure to comply with

¹ This was subsequently incorporated into, and replaced by, the Welsh Government Development Management Manual, 2016.

an Abatement Notice is an offence for which the Council has discretion to consider taking legal action. If a commercial operation can demonstrate that it used the “best practicable means” of preventing or counter-acting the effects of its operation, then it may have a defence in any proceedings.

11. The Clean Neighbourhoods and Environment Act 2005 enables the Council to defer serving an Abatement Notice for up to 7 days to allow it to take steps to persuade the responsible person to desist, reduce or mitigate the Statutory Nuisance. However, if it is not abated, then the Council must proceed to serve a formal Abatement Notice.

12. Article 8 of the Human Rights Act 1998 provides individuals with the right to respect for their family and private life, including the peaceful enjoyment of their home. Where a person’s right is or may be infringed, the Council must balance the individual’s Article 8 rights against any competing rights and interests, to ensure that any interference with that person’s rights is not “disproportionate”.

The background events

13. In August **2012** the Council noted that a car wash within its authority (“the Car Wash”) was operating without planning permission. A retrospective planning application (“the first application”) was submitted on 26 November **2013**. There is no other information available from that time about the Car Wash, although it appeared that the first application was “invalid” and that ownership of the Car Wash subsequently changed hands.

14. In 2014 a Planning Enforcement Manager (“the Planning Manager”) exchanged emails with the Landlord about the Car Wash, which the Landlord said was causing a nuisance to its tenant (“Mr R”) in a neighbouring property (“the property”). The Landlord asked the Council to take action because the Car Wash was causing “constant noise... into the late evening, 7 days a week” and affecting Mr R’s health.

15. On 5 August the Planning Manager and a Pollution Control Officer (“the Environmental Officer”) met a representative of the Landlord, Mr R and the Car Wash Operator. The Environmental Officer noted that both the noise and the amount of water spray coming from the Car Wash probably constituted Statutory Nuisances. Furthermore, he felt that if a retrospective

planning application was made without addressing this issue, it would probably be refused on the grounds that it was causing a significant loss of amenity to the property and having a significant impact on Mr R. However, he believed that if the Council were to issue an Abatement Notice, and the Statutory Nuisance had continued, the options to the Council would then have been limited. Firstly, the potential for the Car Wash to use the “best practicable means” defence might limit the realistic prospect of a conviction. Secondly, given that the Car Wash was unregulated, it would have been inappropriate for the Council to have encouraged or required the Car Wash to spend money on mitigation measures at the same time as saying that it was operating unlawfully and was unlikely to be regularised. Thirdly, there could be no guarantee that any potential mitigation measures would be successful or sufficient to pass the planning process and they might, actually, have required planning permission in their own right.

16. In November the Planning Manager proposed to allow the Car Wash Operator 2 more months to identify a suitable alternative site to relocate the Car Wash. It is not clear whether this decision was relayed to the Landowner or the Car Wash Operator because there is no documentary evidence available.

17. By 29 April **2015** the Landlord told the Planning Manager that Mr R was “extremely stressed” and that “the intensity of the use of the car wash seem[ed] to be increasing”. On 25 June the Landlord told the Environmental Officer that it wished to make a formal complaint and asked for his assistance on the process. The Environmental Officer emailed a Planning Enforcement Officer (“the First Planning Officer”) to confirm that having visited the property again, his opinion was unchanged. However, rather than serve an Abatement Notice at that time he suggested it would be more appropriate and effective for the Planning Department to take enforcement action and potentially issue a Stop Notice, to prevent the Statutory Nuisances and require the Landowner/Car Wash Operator to submit a retrospective planning application. He suggested the Council could then consider imposing appropriate conditions on any planning consent which might be granted.

18. Although the First Planning Officer noted that he would ask the Car Wash Operator to cease operating and allow time for a retrospective planning application to be submitted, there is no evidence available that any

action was taken until 1 September. The Chief Officer of Planning and Environment (“the Chief Officer”) wrote to the Landowner confirming that as there was no extant planning permission, the Car Wash was in breach of Planning Control and the Landowner should discuss the matter with the First Planning Officer, before submitting a retrospective planning application.

19. In October and November, the Landlord and the Environmental Officer requested updates from the First Planning Officer. The Landlord wrote to the Environmental Officer on 23 November, stating that “Nothing has happened... and the whole scenario is now causing [Mr R] stress and anxiety”. The Environmental Officer emailed the First Planning Officer again and referred the matter to his Team Leader (“the Environmental Team Leader”). Two days later, the Chief Officer requested either a valid planning application from the Landowner or for the Car Wash to cease operating by 23 December. Assurances were given to the Environmental Officer and to the Landlord that, should the Landowner fail to comply, a Planning Enforcement Notice would be served.

20. However, on 8 January **2016** the First Planning Officer advised the Landlord that he did not intend to take enforcement action yet because he anticipated a retrospective planning application, including proposals to mitigate the noise and spray, within a couple of weeks. Four days later the Landlord wrote to the Environmental Team Leader, requesting that she look into its complaint urgently and provide information on what steps the Landlord needed to take to pursue the complaint further.

21. On 1 February the Environmental Team Leader told the Acting Head of the Planning Department that the Environmental Health Department could not delay taking action any longer, given the length of time that had passed and the Council’s duty under the Environmental Protection Act. A Statutory Nuisance complaint file was opened and Mr R was asked to complete log sheets of the Car Wash’s activities.

22. A retrospective planning application was received from the Owner of the Car Wash (“the Owner”) on 7 April (“the second application”). The Owner was advised that the second application was invalid owing to missing information and errors on the form, and the application was closed on 15 August.

23. In June the Landlord again requested an update. On 6 September the Environmental Officer wrote to the Landlord, Mr R and the Owner, confirming that monitoring was ongoing. The Owner's letter was returned to the Council marked "gone away" and was re-sent to him at an address abroad in January **2017**.

24. On 17 March the Environmental Officer served Abatement Notices on the Owner and the Car Wash Operator, which advised that if evidence was found that the Statutory Nuisances were continuing after 21 days then further legal action might be taken, including potential prosecution in a Magistrates Court. The Landlord emailed the Environmental Officer for an update on 15 May.

25. On 2 June the Landlord outlined the history of the complaint back to 2014 in an email to the Chief Officer and the Development Manager for Planning and Enforcement ("the Development Manager"), asking what would be done to resolve it. In June the Environmental Officer visited the property again and re-assessed the Statutory Nuisances.

26. On 10 August the Environmental Officer wrote to the Owner and the Car Wash Operator. He confirmed that monitoring had identified a breach of the Abatement Notice and so the case was being referred to the Council's Legal Department to consider prosecution. However, the records do not reflect that this took place.

27. On 5 December the Landlord wrote again to the Chief Officer and the Development Manager, noting that no response had been received from either of them and there had been no progress on its complaint. The only response apparent was another assurance from the Environmental Officer that prosecution would be considered. On 19 January **2018** the Environmental Officer requested advice from the Legal Department, again noting that he believed a Stop Notice was the better course of action.

28. In May my office informed the Council that I had received a formal complaint from the Landlord, which the Environmental Team Leader noted that she had been expecting. Internal emails demonstrated that the Environmental Officer was still trying to arrange a meeting with the Legal Department up to 1 June. However, by that time, the Owner's company had been dissolved and the Car Wash was also under new

management. It was agreed that the Environmental Officer would draft a Statutory Enquiry Notice (which legally requires the recipient to respond) to ascertain who owned the site and the Car Wash, as well as current contact details for both parties.

29. On 20 June in response to a further update request from the Landlord, the Environmental Officer apologised for the delay and explained that the Council had to start the Statutory Nuisance process again because the business had changed hands. He again asked the Planning Department to consider acting to stop the unauthorised Car Wash but assured the Landlord that he would continue with pollution control action at the same time. Two days later the Environmental Officer met the prospective new owner of the Car Wash by chance (“the New Owner”), who said he was keen to find a way to continue the Car Wash operation.

30. On 9 July after my office referred the Landlord’s complaint to the Council to complete its complaints process, a Corporate Complaints Officer (“the Complaints Officer”) acknowledged the complaint and advised the Landlord that she was aiming to send a full response at the beginning of August. On 20 August the Community and Business Protection Manager (“the Environmental Manager”) advised the Complaints Officer that officers had “recently met ... to find a way forward” and agreed to issue the Statutory Enquiry Notice, but that it was likely additional monitoring would be required. Furthermore, environmental legislation remained unlikely to resolve the problem because it did not provide the necessary regulatory power to stop the business operating permanently.

31. The next day, the Complaints Officer wrote to the Landlord (“the first response”) explaining that the case had not progressed “as the Council would usually intend”. It provided a potted history of the complaint but did not explain why the case had not been progressed. However, it provided assurances that the Planning and Environmental Health Departments were committed to working together to address the concerns raised, and would keep the Landlord updated.

32. On 23 August the Council opened a new Planning Enforcement case file. The Chief Officer acknowledged the Landlord’s “recent enquiry” and asked it to have patience while the Council investigated. There was no response to the Landlord’s request for a timeframe in which it might expect

the complaint to progress. On 20 September the Environmental Officer advised that he had been nominated as the Landlord's single point of contact and confirmed that the New Owner planned to approach an acoustic consultant to advise on how the noise issues could be overcome, before submitting a planning application to regularise the Car Wash ("the second response").

33. At the end of January **2019** the Landlord raised a further complaint with my office. As my staff did not consider that either the first or the second response had adequately explained the length of time it had taken to consider enforcement action, or addressed the fact that the Landlord's formal complaint had been overlooked, the Council was asked to explain the current position. A Complaints Officer noted that she "[did]n't think anyone was aware of the background". The Council agreed to provide a full, formal, final response by 21 February.

34. On 7 February the Environmental Officer told the New Owner that progress must be made to resolve the issues as a matter of urgency, otherwise the Council would consider taking enforcement action to abate the Statutory Nuisances and regularise the Car Wash. He noted that the Council's primary concern was Mr R, who had been suffering the nuisance and requested a response within 7 days. The New Owner confirmed that the Acoustic Consultants had designed a potential solution. However, when the plans were submitted 3 days later the Environmental Officer thought that they did not include an appropriate noise assessment and he did not consider the proposed solution would adequately resolve the problem.

35. On 15 February the Council served the New Owner with a Planning Contravention Notice. Five days later a Second Planning Officer and the Environmental Officer met the New Owner and his Acoustic Consultants. It was noted that the best solution would require affixing a barrier to the fence bordering the property. The next day the Environmental Officer emailed the Landlord ("the third response"). He offered re-assurance that, whilst it would require more time to resolve the problem the New Owner was "fully engaged in the process" and he was hopeful that the matter could move forward quickly. When the Landlord enquired why the Council did not issue a Stop Notice in the meantime, the Environmental Manager responded that the Council believed a Planning Contravention Notice was more appropriate, given the New Owner's apparent commitment

to resolve the noise and spray issues. On 12 March the New Owner responded to the Planning Contravention Notice and by 3 May he had confirmed his intention to submit a planning application within the next 2 weeks.

36. On 22 May an Enforcement Warning Notice was served on the New Owner confirming that he was required to either submit a valid retrospective planning application, provide evidence that the breach had persisted for more than 10 years without interruption or cease operation of the Car Wash within 14 days. On 15 July a retrospective planning application was submitted (“the third application”).

The Landlord’s evidence

37. The Landlord said that Mr R had been significantly affected by the situation and he had been prevented from peaceful enjoyment of his home, for 7 days a week, for years. It said he cannot use any area of his garden without being covered in spray, and that the noise from the Car Wash is intrusive throughout the whole of the property. As a result of the stress of being subject to the Statutory Nuisances for so long and without respite, Mr R now suffers from anxiety and depression. The Landlord felt that it had been very patient in its attempts to engage the Council and said it did not understand why neither the Planning Department nor the Environment Department was willing to take appropriate enforcement action.

The Council’s evidence

38. The Council acknowledged that its Planning Enforcement records prior to August **2018** were incomplete and recognised that there had been delays by both the Planning and Environment departments in responding to the Landlord’s concerns. It contended that formal investigation of any Statutory Nuisance could not take place until a formal complaint was received, but that the formal Statutory Nuisance case file was opened after the Landlord made an official complaint. It said the delays in monitoring were owing to difficulties accessing the property, work pressures, including high demand on monitoring equipment, and difficulties identifying and locating the Landowner.

39. The Council also said that the Development Manager was new in post and unfamiliar with the history of the case when the Landlord wrote to her in July **2017**. Therefore, she thought it was an ongoing matter related to the second application (in **2016**) and did not progress it under the Complaints Policy. The Council stated that in future, it would share information between Departments to clarify at each stage which team is responsible to take forward any potential enforcement action. It also stated that in future, neither department would delay starting an investigation, even if a department was of the view that it was preferable for another department to take the lead in any matter.

Analysis and conclusions

40. The Landlord complained that the Council failed to take timely and appropriate action in respect of the Statutory Nuisances. I **uphold** this element of the complaint. The duty on the Council to investigate a Statutory Nuisance is not discretionary; once the Council was satisfied that a Statutory Nuisance existed it was under a duty to serve an Abatement Notice on the Car Wash Operator and deferment of that obligation is permitted for only 7 days. The Council did not open a Statutory Nuisance case file until 18 months after the Statutory Nuisance was identified by the Council. Even if I accept that the Council needed to receive a “formal complaint” before it could begin monitoring, its duties to act under the Environmental Protection Act 1990 are clear. Moreover, the Landlord advised the Planning Manager in April 2014 that the Car Wash was a nuisance to Mr R and the property and by June 2015 the Landlord had told the Environmental Officer that it wished to raise a formal complaint. I do not know what more the Landlord could or should have said to indicate that it wanted to raise a complaint and for the Council to investigate it.

41. Having considered the evidence on the Council’s files I believe that the Environmental Officer genuinely considered that the more effective route to deal with the Statutory Nuisance was via the planning process. The Officer’s suggestion when matters were fresh for a retrospective planning application to be submitted which could then have been refused or granted with conditions to address the Statutory Nuisances was reasonable. Also, the further option of a Stop Notice with or after a

Planning Enforcement Notice would not have been unreasonable had the matter been acted upon in a timely manner.

42. However, as time progressed with no action being taken by the Planning Department, internal emails demonstrate that both the Environmental Officer and the Environmental Team Leader were aware that the delay in addressing the Statutory Nuisance was unreasonable. The evident reluctance to act resulted in a staggering lack of urgency, not just to open a Statutory Nuisance case file, but to deal with it properly once that decision had finally been made. I recognise there were some genuine external obstacles over the years, which hindered progress, but there were also numerous examples of procrastination, missed opportunities and inaction for months at a time.

43. It appears that legal advice was not formally sought from the Legal Department promptly, despite express assurances being given to the Landlord in August 2017 by the Environmental Officer.

44. Whilst the Environment and Planning Departments failed to make any meaningful progress from 2014, the Landowner eventually dissolved his business and moved abroad and the business officially changed hands in September 2018 which resulted in further, significant delays as the Council attempted to identify and locate the responsible individuals. This amounts to maladministration.

45. The Landlord also complained that the Council failed to take appropriate action in respect of the breach of planning control. I **uphold** this element of the complaint. Evidently, the Council was aware as early as 2012 that the Car Wash had been opened despite no application for a change of use on the site being submitted or approved. However, the information about how the first and second planning applications were considered is inadequate and that is unacceptable. Whilst it was at the Council's discretion to consider whether to take any planning enforcement action, it is impossible for me to know at this remove and with no records available, whether enforcement action was considered in line with relevant legislation and guidance, or whether a decision not to take action was properly made. The Council's Planning Department's failure to communicate with the Environmental Health Department is also evidence of maladministration.

46. I acknowledge that in August 2018 the Council opened a Planning Enforcement case file and efforts then began to work with the New Owner, who was willing to co-operate to both mitigate the nuisance and seek retrospective planning permission. I also note the Legal Department's advice that, in the circumstances, it was appropriate to begin the process again. I am pleased that since that time, both the Environmental Officer and the Second Planning Officer appear to have engaged fully with each other, and the New Owner, to seek a solution and that appropriate enforcement action has been pursued. I recognise that the Council has latterly, therefore, demonstrated appropriate regard for the considerations it must balance in relation to both the New Owner of the Car Wash and Mr R. If matters are not yet resolved however, the Council should consider using the various powers available to it to resolve these issues. In view of the significant passage of time which has elapsed the Council must consider what options remain available to it and ensure that it fully utilises them to resolve the matter.

47. Ultimately on balance, the lack of records coupled with the Council's inaction over the 5 years preceding August 2018 suggest that it did not fully consider whether to take enforcement action against the Car Wash. This in itself, is maladministration resulting in a significant injustice to both the Landlord and Mr R because the Council cannot explain the reasons behind its actions (and inaction). Furthermore, it is impossible for the complaint to be dealt with fully and the history of the case in the Planning Department to be examined and evaluated.

48. It is not my function to make definitive findings about whether a public body has breached an individual's human rights by its actions or inaction. However, where I identify evidence of maladministration which has caused injustice, I may consider whether a person's human rights may have been engaged and comment on a public body's regard for them. The Landlord made it clear that the Car Wash was impacting on Mr R's living and enjoyment of his home and garden, and that the stress was significantly impacting on his health. In addition, the fact that the Environmental Officer identified the existence of the Statutory Nuisance in 2014 without the need for monitoring provides an indication of just how disruptive and intrusive the noise and the water spray was to Mr R. I am of the view that the Council did not give due regard to Mr R's right under Article 8 of the Human Rights Act,

to the quiet and peaceful enjoyment of his home when addressing the concerns raised. This is a significant injustice to Mr R and to the Landlord, in view of the Landlord's obligations for Mr R. The fact that the failings continued for over 4 years means that the injustice to Mr R is even more serious.

49. The Landlord also complained that the Council failed to investigate and respond to its corporate complaint appropriately. I **uphold** this element of the complaint. Whilst I agree that the very first contacts were, strictly speaking, service requests rather than a formal complaint, it was soon obvious that the Landlord was frustrated by the lack of response and the lack of action. If anything, those sentiments were echoed in the difficulties the Environmental Officer experienced when attempting to engage his colleagues in the Planning Department. As soon as the Landlord clearly expressed its dissatisfaction with the actions of the Planning Department to the Environmental Officer, its concerns should have been escalated or, at the very least, information on the Complaints Policy should have been provided. It is disappointing that the Landlord had to try to identify for itself how to escalate its concerns and that it had to contact the Council repeatedly for updates, particularly in light of the evidence that some staff were very aware of the situation.

50. Each time the Landlord escalated its concerns and each time the Ombudsman asked the Council to respond, the complaint was simply sent back to the Environmental Officer, who had neither the impartiality nor the seniority to be able to identify what had gone wrong, ensure that lessons were learned and take action to put things right. As a result, the timeline put forward was compressed, misrepresented the order of events and minimised the significant delays. Furthermore, the responses issued were little more than sporadic updates on the current situation, which were often only provided following prompting from the Landlord and appeared, at times, to be disingenuous.

51. In fact, the approach of senior officers to the Landlord's complaint and direct correspondence is, in my view, the most troubling element of this part of the complaint. Notwithstanding that she was new in post, I do not accept that in July 2017 the Development Manager was unaware that the case dated back to 2014 because the Landlord's email outlined the history of the case and clearly expressed its frustration with the Planning Department and

the lack of communication. Furthermore, the Council has not been able to explain why the Environmental Team Leader, the Development Manager and the Chief Officer all failed to respond to direct correspondence from the Landlord even when it wrote again to complain that no acknowledgement or response had been received.

52. The Complaints Officer's internal note in January 2019 that she thought "no one was aware" of the history of the case is concerning for 2 reasons. Firstly, it suggests that no attempt had been made up to that point to look into the complaint properly; a cursory review should have recognised that the Planning Department's records were non-existent while those for the Environmental Health Department were littered with complaints. Secondly, however, the records that are available indicate that staff were, in fact, anticipating the intervention of my office but remained unwilling or unable to accept ownership of the situation and take any action to prevent it. Moreover, I am unable to identify any sympathy for Mr R and the Landlord's position, or appreciation for the fact that this matter had been ongoing for at least 6 years. In this context the Chief Officer's letter in August 2018, which requested the Landlord "be patient" while the Council considered its "recent enquiry" was wholly inconsiderate and inappropriate.

53. The Council still did not take appropriate action to investigate the full circumstances of the complaint or offer any substantive explanation or meaningful response to the Landlord when it responded under its corporate complaints process. The absence of clearly established ownership at senior levels in the Council, the fact that the failures continued for so long and the lack of regard for the difficulties being faced by Mr R all raise serious concerns which I consider should be publicly reported in the public interest.

Recommendations

54. I **recommend** that within one month of this report, the Council should:

- (a) Remind relevant staff at all levels within the Council of the importance of dealing with correspondence appropriately, including signposting individuals who want to raise a formal complaint to the Corporate Complaints Team

- (b) Offer an apology, in writing, to the Landlord along with £1000 financial redress in recognition of the failings in complaints handling, and the Landlord's time and trouble pursuing the complaint for at least 5 years
- (c) Offer an apology, in writing, to Mr R, along with £2,500 financial redress for the failure to deal with the Statutory Nuisances and in recognition of the persistent and prolonged exposure, of Mr R, to unacceptable levels of noise and water spray for at least 5 years.

55. In January 2019 the Council reviewed and updated its policy on Planning Enforcement. I **recommend** that within three months of this report, the Council should:

- (a) Share this report and its findings with relevant staff in the Planning, Environment and Legal Departments as well as with the Leader of the Council, the Cabinet Member for Planning and Public Protection, the Planning and Development Control Committee and the Environment Overview and Scrutiny Committee
- (b) Establish what powers remain available to it to resolve the issues and ensure that it fully exercises those powers as appropriate to achieve an ultimate resolution
- (c) Review its Public Protection Service Enforcement Policy, to ensure that it remains relevant, effective and compliant with Welsh Government guidelines, legislation and best practice, with particular reference to Statutory Nuisances
- (d) Develop formal procedural arrangements for cooperation between departments to improve the efficacy and efficiency of inter-departmental collaboration, with an emphasis on Planning, Legal and Environmental Health
- (e) Review the Complaints Policy to ensure it is clear who should have overall responsibility for investigating and responding to complaints, particularly where the matters concern different departments in the Council

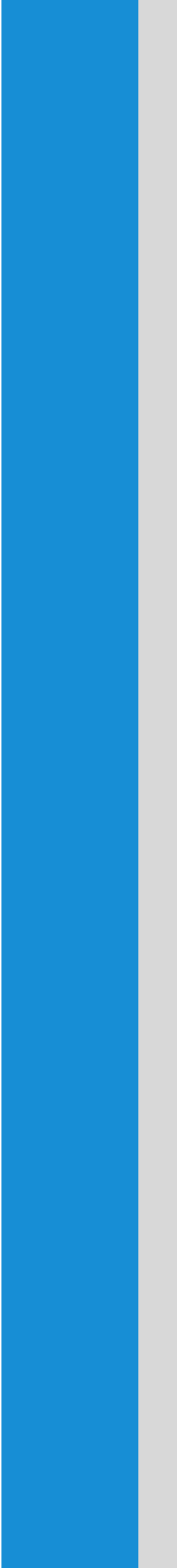
- (f) Reflect on how the consideration of human rights can be embedded into its practice when deciding whether to take enforcement action, with particular reference to planning control and investigations into Statutory Nuisances
- (g) Review its internal communication and escalation channels to ensure that staff can raise concerns during their day-to-day work which can then be managed constructively, to encourage ownership and accountability whilst discouraging a “blame culture”.

56. I am pleased to note that in commenting on the draft of this report **Flintshire County Council** has agreed to implement these recommendations.



Nick Bennett
Ombudsman

9 January 2020



Public Services Ombudsman for Wales
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PSOW Case 201900014: Update Against Agreed Recommendations

REF NO	RECOMMENDATION	TIMESCALE	STATUS
54(a)	Share this report and its findings with relevant staff in the Planning Environment and Legal Departments as well as with the Council's Planning and Development Control Committee and its Environment Overview and Scrutiny Committee	3 months	<p>Completed</p> <ul style="list-style-type: none"> ▪ Report has been shared with relevant staff. ▪ Review at Planning Committee and Environment Overview and Scrutiny Committee has been scheduled for the 4th March and 20th March respectively.
54(b)	Remind relevant staff at all levels within the Council of the importance of dealing with correspondence appropriately, including signposting individuals who want to raise a formal complaint to the Corporate Complaints Team	1 Month	Commenced
54(c)	Offer a meaningful apology, in writing, to the Landlord along with £1000 financial redress in recognition of the failings in complaints handling, and the Landlord's time and trouble pursuing the complaint for a least five years	1 Month	Completed
54(d)	Offer a meaningful apology, in writing, to Mr R, along with £2,500 financial redress for the failure to deal with Statutory Nuisances and in recognition of the persistent and	1 Month	Completed

	prolonged exposure, of Mr R, to unacceptable levels of noise and water spray for at least five years		
55(a)	Establish what powers remain available to it to resolve the issues and ensure that it fully exercises those powers as appropriate to achieve an ultimate resolution	3 Months	<p>Commenced and ongoing.</p> <p>13.12.19 Development Management and Community and Business Protection jointly served Planning Enforcement Notice and Abatement Notice. Abatement Notice require nuisance to cease immediately.</p> <p>Operator submitted Planning Enforcement Notice appeal.</p> <p>19.12.19 Equipment seized by Community and Business Protection.</p> <p>13.01.20 Owner has re-arranged the site largely abating the nuisance and meeting requirements of Planning Enforcement Notice by re-locating the jet-wash/spraying equipment.</p> <p>Current position: Community and Business Protection are preparing for prosecution on 17.03.20 with regard to seized equipment at Wrexham's Magistrates Court.</p> <p>Planning Enforcement have submitted all necessary documents to Planning Inspectorate on 13.02.20 respond to the Planning Enforcement Notice Appeal. A decision is now awaited from the Inspector.</p>

			An Enforcement Warning Notice to require the owner to regularise the re-arranged car wash facility has been served on 20.02.20 requiring the submission of a planning application.
55(b)	Review its Public Protection Enforcement Policy, to ensure that it remains relevant, effective and compliant with Welsh Government guidelines, legislation and best practice, with particular reference to Statutory Nuisances	3 Months	Commenced
55(c)	Develop formal procedural arrangements for cooperation between departments to improve the efficacy and efficiency of inter-departmental collaboration, with an emphasis on Planning, Legal and Environmental Health	3 Months	Completed
55(d)	Review the Complaints Policy to ensure it is clear who should have overall responsibility for investigating and responding to complaints, particularly where the matters concern different departments in the Council	3 Months	Completed
55(e)	Reflect on how the consideration of human rights can be embedded into its practice when deciding whether to take enforcement action, with particular reference to planning control and investigations into Statutory Nuisances	3 Months	Commenced

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Audit Scope Document

Audit Title	Public Sector Ombudsman for Wales Report – Enforcement
Portfolio:	Planning Environment and Economy
Period:	2019/20
Chief Officer:	Andy Farrow
Service Manager:	Mandy Lewis, Sian Jones & Jenny Prendergast

Background to the proposed review:

This review is being carried out at the request of the Chief Officer, following a Public Services Ombudsman for Wales (PSOW) report into the handling of a case of Statutory Nuisance by a company trading without planning permission. The report identified maladministration, failings in record keeping, failure to follow statutory processes, poor internal communications and a failure to respond adequately to external communications.

Service / System Objective:

The Planning, Environment and Economy portfolio is responsible for delivering a planning and public protection service and taking timely and appropriate action to respond to complaints. The Council has the responsibility to investigate and the power to enforce under a range of legislation. The Council has a responsibility to ensure the rights of the citizens of Flintshire

Identified Risks:

The defined potential risks which may affect the achievement of the service / system objectives include:

- There are current cases which are suffering the same issues and have not been resolved over a long period
- The weakness in controls identified by the PSOW report have/are not being addressed and continue
- There is a failure to work jointing between planning enforcement and public protection (pollution control).

Identified Performance Indicators:

The PIs below measure progress against the implementation of the service objectives:

- These will be identified during the course of the review

Additional Management Concerns:

Management have responded to the PSOW report and identified actions they will take. The report is a public document which will be presented to Planning Committee on 4th March 2020 and Environment Overview and Scrutiny Committee on 10th March 2020 as required by the PSOW.

Audit Objective:

To ensure the weakness in controls raised in the PSOW report are being addressed and both Planning Enforcement and Community and Business Protection's Pollution Control team have reviewed all current open cases to ensure they are progressing in line with legislation and internally agreed processes.

Scope of review:

The audit will review and consider the adequacy and effectiveness of the operating controls in relation to Planning Enforcement and Pollution Control Statutory Nuisance Notice processes. Focus will be placed upon:

- A review of the progress of implementation of the agreed action plan from the PSOW report.
- Establish if all current cases in both Planning Enforcement and Pollution Control have been reviewed for progress in line with current legislation.
- Review how the service responds to corporate complaints.
- Review external correspondence processes in Planning Enforcement, Pollution Control and in the Chief Officer's office.
- A sample of current Planning Enforcement cases will be tested to ensure progression in line with legislation and internal procedures.
- A sample of current Pollution Control cases will be tested to ensure progression in line with legislation and internal procedures.
- Evaluate how the service provides assurance of the status of all car washes across Flintshire.

Approach to the review and deliverables:
 The work will be performed following our standard audit methodology in conformance with Public Sector Internal Audit Standards (PSIAS).
 Principal activities will include: e.g.

- A small number of material or key controls;
- Assessing compliance with established procedures and good practice;
- A review of the actions taken to implement previous recommendations;
- Meetings / discussions with key Flintshire managers, employees, partners etc
- Documenting procedures and controls
- Reviewing relevant documentation
- Examining a sample of transactions and reconciliations in detail
- Analysis of data and interpretation of results
- In all areas we consider the possibility of the risk of fraud or theft
- Consideration in all areas of GDPR

We will produce a draft report which sets out our findings and any identified risks / issues which we believe are not being managed appropriately. Once management has confirmed their agreed action to mitigate the risks identified we will produce a final report. Agreed actions will be the subject of tracking with management to confirm their implementation. A follow up review may be scheduled if major areas of concern are identified.

Records Required:
 To enable us to commence our fieldwork on the agreed start date, we will require access to the following information, records or system at the start of the first day of the audit. This includes:

- Access to Flare
- Current case load for Planning Enforcement and Pollution Control
- Communication Policy for the service
- Complaints Policy for the portfolio and how the Corporate complaints policy is applied

Timing of the review and days available:
 We will commence our fieldwork in week commencing 17 February 2020. We will aim to complete the fieldwork within 10 days and a debrief meeting will be arranged approximately 20 days after completing our fieldwork.

Days Available:	10 days
Location Based:	We will be based at Ty Dewi and County Hall Council Offices for 10 days.

Distribution of Scope:	Extension:
Xxx – Accountable Officers for the implementation of the Agreed Actions	
Andy Farrow – Chief Officer	3201

Flintshire Internal Audit

Mandy Lewis – Development Manager	3248
Sian Jones –Community and Business Protection Manager	2132
Jenny Prendergast – Health & Safety Team Leader	3382
David Glyn Jones – Development Management Team Leader	3281
Karl Slater – Development Management Team Leader	3259

Senior Auditor:	Beth Vaughan	Ext 2226
Principal Auditor:	Simi Johl	Ext 2248
Date of Scope:	12/02/2020	

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Eitem ar gyfer y Rhaglen 6



ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Tuesday, 10 th March 2020
Report Subject	Quarter 3 Council Plan 2019/20 Monitoring Report
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside; and Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy); and Chief Officer (Streetscene and Transportation)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Council Plan 2019/20 was adopted by the Council in June 2019. This report presents a summary of the monitoring of progress for the quarter three (October – December 2019) position of 2019/20 for the Council Plan priorities 'Green Council', 'Ambitious Council' and 'Safe and Clean Council' relevant to the Environment Overview & Scrutiny Committee.

This second monitoring report for the 2019/20 Council Plan is a positive report, with 89% of activities being assessed as making good progress, and 89% likely to achieve the desired outcome. In addition, 81% of the performance indicators met or exceeded target. Risks are also being successfully managed with the majority being assessed as moderate (71%) or minor/insignificant (18%).

RECOMMENDATIONS

1. That the Committee consider the Quarter 3 Council Plan Monitoring Report 2019/20 to monitor under performance and request further information as appropriate.

REPORT DETAILS

1.00	EXPLAINING THE COUNCIL PLAN 2019/20 QUARTER 3 MONITORING REPORT
1.01	The Council Plan monitoring reports give an explanation of the progress being made toward the delivery of the impacts set out in the 2019/20 Council Plan. The narrative is supported by performance indicators and / or milestones which evidence achievement. In addition, there is an assessment of the strategic risks and the level to which they are being controlled.
1.02	This report is an exception-based report and concentrates on the areas of under-performance.
1.03	<p>Monitoring Activities</p> <p>Each of the sub-priorities under each theme within the Plan have high level activities which are monitored over time. ‘Progress’ shows action against scheduled activity and is categorised as:</p> <ul style="list-style-type: none"> • RED: Limited Progress – delay in scheduled activity and, not on track • AMBER: Satisfactory Progress – some delay in scheduled activity, but broadly on track • GREEN: Good Progress – activities completed on schedule and on track <p>A RAG status is also given for the assessment of our current level of confidence in achieving the ‘outcome(s)’ in-year for each sub-priority. Outcome is categorised as:</p> <ul style="list-style-type: none"> • RED: Low – lower level of confidence in the achievement of the outcome(s) in-year • AMBER: Medium – uncertain level of confidence in the achievement of the outcome(s) in-year • GREEN: High – full confidence in the achievement of the outcome(s) in-year
1.04	<p>In summary our overall progress against activities is:</p> <p>Progress</p> <ul style="list-style-type: none"> • We are making good (green) progress in 140 (89%). • We are making satisfactory (amber) progress in 7 (11%). <p>Outcome</p> <ul style="list-style-type: none"> • We have a high (green) level of confidence in the outcome achievement of 140 (89%). • We have a medium (amber) level of confidence in the outcome achievement of 17 (11%). • No activities have a low (red) level of confidence in their outcome achievement.

1.05	<p>Monitoring our Performance</p> <p>Analysis of performance against the Council Plan performance indicators is undertaken using the RAG status. This is defined as:</p> <ul style="list-style-type: none"> • RED - under-performance against target. • AMBER - where improvement may have been made but performance has missed the target. • GREEN - positive performance against target.
1.06	<p>Analysis of current levels of performance against target shows the following:</p> <ul style="list-style-type: none"> • 43 (81%) have achieved a green RAG status • 6 (11%) have an amber RAG status • 4 (8%) have a red RAG status
1.07	<p>There are no performance indicators (PI) which show a red RAG status for current performance against target, relevant to the Environment Overview & Scrutiny Committee.</p>
1.08	<p>Monitoring our Risks</p> <p>Analysis of the current risk levels for the strategic risks identified in the Council Plan is as follows: -</p> <ul style="list-style-type: none"> • 3 (5.8%) are insignificant (green) • 6 (11.5%) are minor (yellow) • 37 (71.2%) are moderate (amber) • 6 (11.5%) are major (red) • 0 (0%) are severe (black)
1.09	<p>The major (red) risk identified for the Environment Overview & Scrutiny Committee is:</p> <p>Priority: Green Council Risk: Funding will not be secured for priority flood alleviation schemes. Under the Land Drainage Act 1991, the Council as Lead Local Flood Authority has powers available but is not compelled to undertake flood alleviation works. Flood alleviation schemes are considered in accordance with defined national protocols (based on the Five Case Business Model Approach) in order to be included in Welsh Government's 'Pipeline Programme' which can provide Flood Defence Grant in Aid funding at 85% match funding. At present Flintshire Council have no active schemes in the national programme. Several local sites have been identified with potential for viable flood alleviation schemes. Dedicated resource isolated from delivering statutory legislative Flood Coastal Erosion Risk Management (FCERM) duties is required within the Team to develop these local flood risk sites into schemes for</p>

	consideration for inclusion into Welsh Government's 'Pipeline Programme'. A Team structure review in quarter one of 2020/21 will seek opportunities to address this. Welsh Government have noted the decline in schemes and are considering implementing measures to support Local Authorities, including regional dedicated 'Project Managers' to facilitate scheme delivery on behalf of local FCERM clients.
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2.00	RESOURCE IMPLICATIONS
2.01	There are no specific resource implications for this report.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT														
3.01	Progress against the risks identified in the Council Plan is monitored. Summary information for the risks assessed as major (red) is covered in paragraphs 1.07 and 1.09 above.														
3.02	Overview & scrutiny committees are following through areas of risk concern within their forward work programmes.														
3.04	<p>Ways of Working (Sustainable Development) Principles Impact</p> <table border="1"> <tr> <td>Long-term</td> <td rowspan="5">Throughout all of the Mid-Year Monitoring Report there is demonstrable actions and activities which relate to all of the Sustainable Development Principles. There will be specific case studies of these working practises in the Annual Report for 2019/20 by October 2020.</td> </tr> <tr> <td>Prevention</td> </tr> <tr> <td>Integration</td> </tr> <tr> <td>Collaboration</td> </tr> <tr> <td>Involvement</td> </tr> </table> <p>Well-being Goals Impact</p> <table border="1"> <tr> <td>Prosperous Wales</td> <td rowspan="7">Throughout the Mid-Year Monitoring Report there is an engrained culture of emerging our work actions and activities with the Well-being Goals. Specific actions and activities have impact assessments and risk assessment as part of strategic reports which demonstrates impact.</td> </tr> <tr> <td>Resilient Wales</td> </tr> <tr> <td>Healthier Wales</td> </tr> <tr> <td>More equal Wales</td> </tr> <tr> <td>Cohesive Wales</td> </tr> <tr> <td>Vibrant Wales</td> </tr> <tr> <td>Globally responsible Wales</td> </tr> </table> <p>Council's Well-being Objectives The Council's wellbeing objectives will be reported again as part of the Annual Report for 2019/20 by October 2020.</p>	Long-term	Throughout all of the Mid-Year Monitoring Report there is demonstrable actions and activities which relate to all of the Sustainable Development Principles. There will be specific case studies of these working practises in the Annual Report for 2019/20 by October 2020.	Prevention	Integration	Collaboration	Involvement	Prosperous Wales	Throughout the Mid-Year Monitoring Report there is an engrained culture of emerging our work actions and activities with the Well-being Goals. Specific actions and activities have impact assessments and risk assessment as part of strategic reports which demonstrates impact.	Resilient Wales	Healthier Wales	More equal Wales	Cohesive Wales	Vibrant Wales	Globally responsible Wales
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More equal Wales															
Cohesive Wales															
Vibrant Wales															
Globally responsible Wales															

4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	The Council Plan Priorities are monitored by the respective Overview and Scrutiny Committees according to the priority area of interest.
4.02	Chief Officers have contributed towards reporting of relevant information.

5.00	APPENDICES
5.01	Appendix 1 – Quarter 3 Council Plan Monitoring Report – Green Council. Appendix 2 – Quarter 3 Council Plan Monitoring Report – Ambitious Council. Appendix 3 – Quarter 3 Council Plan Monitoring Report – Safe and Clean Council.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Council Plan 2019/20. https://www.flintshire.gov.uk/en/Resident/Council-and-Democracy/Council-Plan.aspx

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Margaret Parry-Jones, Overview & Scrutiny Facilitator Telephone: 01352 702427 E-mail: Margaret.parry-jones@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	Council Plan: the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish a Council Plan. Risks: These are assessed using a refreshed approach to risk management endorsed by Audit Committee in 2018. The new approach, includes the use of a more sophisticated risk assessment matrix which provides greater opportunities to show changes over time.

Risk Likelihood and Impact Matrix							
Impact Severity	Catastrophic	Y	A	R	R	B	B
	Critical	Y	A	A	R	R	R
	Marginal	G	Y	A	A	A	R
	Negligible	G	G	Y	Y	A	A
		Unlikely (5%)	Very Low (15%)	Low (30%)	Significant (50%)	Very High (65%)	Extremely High (80%)
Likelihood & Percentage of risk happening							

8.02 **CAMMS – An explanation of the report headings**

Actions

Action – Each sub-priority have high level activities attached to them to help achieve the outcomes of the sub-priority.

Lead Officer – The person responsible for updating the data on the action.

Status – This will either be ‘In progress’ if the action has a start and finish date or ‘Ongoing’ if it is an action that is longer term than the reporting year.

Start date – When the action started (usually the start of the financial year).

End date – When the action is expected to be completed.

% complete - The % that the action is complete at the time of the report. This only applies to actions that are ‘in progress’. An action that is ‘ongoing’ will not produce a % complete due to the longer-term nature of the action.

Progress RAG – Shows if the action at this point in time is making limited progress (Red), satisfactory progress (Amber) or good progress (Green).

Outcome RAG – Shows the level of confidence in achieving the outcomes for each action.

Measures (Key Performance Indicators - KPIs)

Pre. Year Period Actual – The period actual at the same point in the previous year. If the KPI is a new KPI for the year then this will show as ‘no data’.

Period Actual – The data for this quarter.

Period Target – The target for this quarter as set at the beginning of the year.

Perf. RAG – This measures performance for the period against the target. It is automatically generated according to the data. Red = a position of under performance against target, Amber = a mid-position where improvement may have been made but performance has missed the target and Green = a position of positive performance against the target.

Perf. Indicator Trend – Trend arrows give an impression of the direction the performance is heading compared to the period of the previous year:

- A ‘downward arrow’ always indicates poorer performance regardless of whether a KPI figure means that less is better (e.g. the amount of days to deliver a grant or undertake a review) or if a KPI figure means that more is better (e.g. number of new jobs in Flintshire).
- Similarly an ‘upward arrow’ always indicates improved performance.

YTD Actual – The data for the year so far including previous quarters.

YTD Target – The target for the year so far including the targets of previous quarters.

Outcome RAG – The level of confidence of meeting the target by the end of the year. Low – lower level of confidence in the achievement of the target (Red), Medium – uncertain level of confidence in the achievement of the target (Amber) and High - full confidence in the achievement of the target (Green).

Risks

Risk Title – Gives a description of the risk.

Lead Officer – The person responsible for managing the risk.

Supporting Officer – The person responsible for updating the risk.

Initial Risk Rating – The level of the risk at the start of the financial year (quarter 1). The risks are identified as follows; insignificant (green), minor (yellow), moderate (amber), major (red) and severe (black).

Current Risk Rating – The level of the risk at this quarter.

Trend Arrow – This shows if the risk has increased (red, upward arrow), decreased (green, downward arrow) or remained the same between the initial risk rating and the current risk rating (amber, stable arrow).

Risk Status – This will either show as 'open' or 'closed'. If a risk is open then it is still a relevant risk, if the risk is closed then it is no longer a relevant risk; a new risk may be generated where a plan or strategy moves into a new phase.

Mae'r dudalen hon yn wag yn bwrpasol



Appendix 1 – Quarter 3 Council Plan Monitoring Report – Green Council

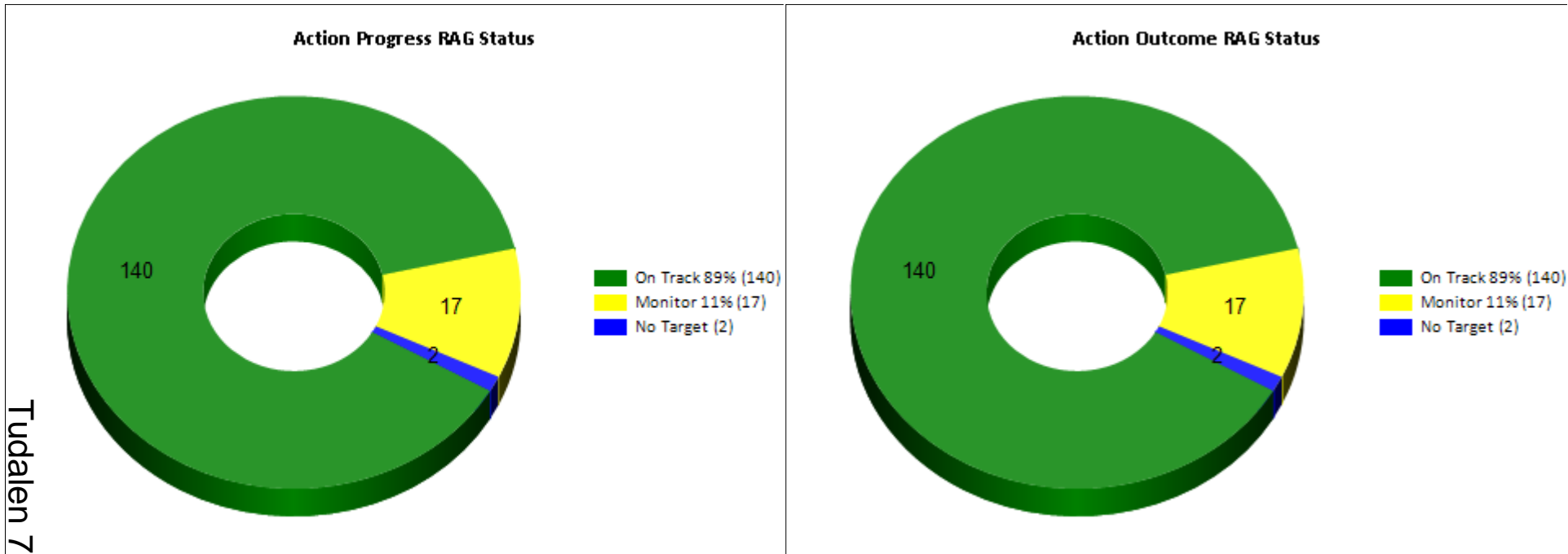
Flintshire County Council

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Print Date: 28-Jan-2020

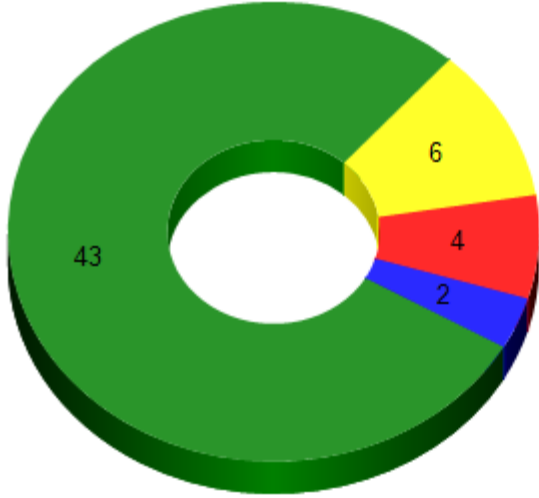
Progress Charts



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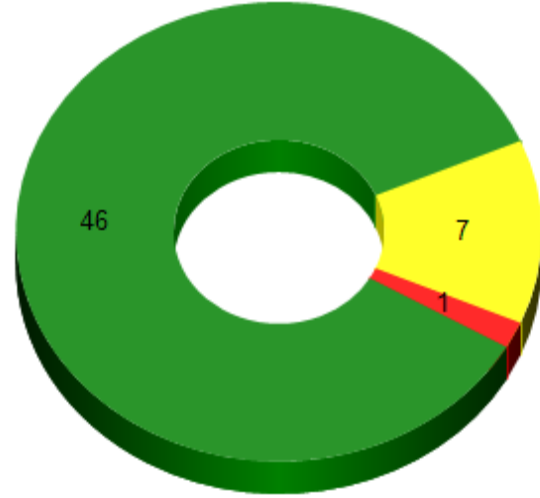
'No Target' for Action Progress and Action Outcome denotes Action has not started.

KPI Progress RAG Status



- On Track 81% (43)
- Monitor 11% (6)
- Off Track 8% (4)
- No Target 2% (2)

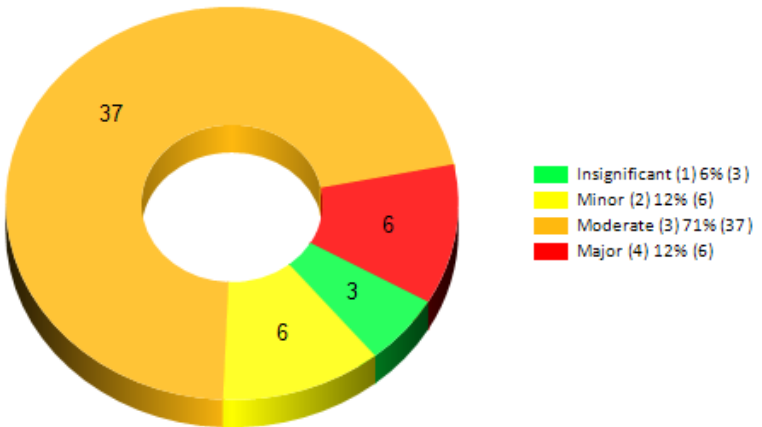
KPI Outcome RAG Status



- On Track 85% (46)
- Monitor 13% (7)
- Off Track 2% (1)



'No Target' for KPI denotes this is a new KPI and a baseline year is being established

Current Risk Status







Green Council

Actions

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.1 (CP) Establishment of an officer group by quarter three to lead on the Council's commitment to be carbon neutral by 2030	Sadie Waterhouse - Energy Conservation Engineer	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Chief Officer for Planning Environment and Economy has responsibility for the Council's Carbon Reduction Strategy. A themed discussion at the Senior Leader Academi was held on 6th November introduced the concept of introducing a response to Climate Change Strategy Board. Following this the first meeting of the officer group will be convened. A report on the Council's response to Climate Change was presented to Cabinet in December 2019 and Environment Overview and Scrutiny Committee in January 2020 when all recommendations were supported. A key recommendation was to establish a climate change strategy programme board. Cabinet on the 17th December 2019 endorsed the establishment of a climate change strategy board. The Boards terms of reference and attendees will be finalised by 31st January.</p> <p>Last Updated: 23-Jan-2020</p>							

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ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.2 (CP) Completion of a 'state of play analysis' of current Council activities on carbon reduction underpinned by the mapping of existing activity data	Sadie Waterhouse - Energy Conservation Engineer	Completed	01-Apr-2019	31-Mar-2020	100.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Once agreement was secured at the meeting of the Cabinet in December for the officer group for carbon reduction to be established. Terms of reference for the group will be agreed which will include responsibility to report back on current carbon reduction activities within all service areas within the Council.</p> <p>Last Updated: 24-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.3 (CP) Completion of a greenhouse gas inventory covering scope 1, 2 and 3 emissions and greenhouse gas sequestration across the Council's land assets	Sadie Waterhouse - Energy Conservation Engineer	In Progress	01-Apr-2019	31-Mar-2020	20.00%		

ACTION PROGRESS COMMENTS:

Research on calculating Council's carbon footprint ongoing; awaiting guidance from Welsh Government who are developing a public sector baselining tool for all public sector organisations in Wales to follow and complete. Organisational and operational boundary determined as per the guidance set out in the Greenhouse Gas Protocol. Interviews with key staff completed to determine current data collation techniques and the data held on key greenhouse gas emission sources.



Last Updated: 13-Jan-2020



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.4 (CP) An agreed plan to design and resource further energy efficiency and sustainable energy schemes such as the ground mounted solar PV schemes in Flint and Connaught's Quay	Sadie Waterhouse - Energy Conservation Engineer	In Progress	01-Apr-2019	31-Mar-2020	50.00%		



ACTION PROGRESS COMMENTS:



Five sites have been identified for future ground mounted solar photovoltaic (PV) schemes. Budget estimate quotations have been requested from Scottish Power (SP) Energy Networks for grid connection costs. Energy efficiency projects are ongoing; lighting upgrades in two schools and valve jacket insulation in eight sites has been completed. Further renewable energy sites located near to FCC or other public/private sector organisations have been identified. Currently reviewing high level constraints such as ownership, grid connection, planning etc. Funding application to Salix to improve the energy efficiency of the Council's care homes is being developed and has been supported by senior managers in Social Services and Capital and Asset Programme Board. Final business cases for the Crumps Yard and Flint Landfill solar PV projects were approved by Cabinet in December and the construction contract has now been awarded.

Last Updated: 24-Jan-2020



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.5 (CP) Completing the renewable energy assessment through the Local Delivery Plan process in support of the future strategy	Sadie Waterhouse - Energy Conservation Engineer	Completed	01-Apr-2019	31-Mar-2020	100.00%		
<p>ACTION PROGRESS COMMENTS: Completed by Aecom and planning policy officers for the Local Development Plan. The Assessment highlighted potential locations for solar PV in the south of the County. Also indicated that there were no opportunities for wind at 120 metre turbine height scale.</p> <p>Last Updated: 22-Oct-2019</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.6 (CP) Agreement of a strategy for fleet conversion, away from diesel and petrol vehicles, for the medium and longer-term	Barry Wilkinson - Highways Network Manager	In Progress	01-Apr-2019	31-Mar-2020	15.00%		
<p>ACTION PROGRESS COMMENTS: We are currently in the process of analysing data collected in order to identify our own Fleet that can utilise an alternative fuel source. Informal discussion with suppliers and stakeholder have taken place to gain an understanding of the marketplace and options to move forward.</p> <p>Last Updated: 14-Jan-2020</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.7 (CP) Developing a local plan to meet the need access to E- charging points across the county network	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Mar-2020	60.00%		
<p>ACTION PROGRESS COMMENTS: We are working closely with Welsh Government, specialist consultants and Scottish Power Energy Networks in identifying strategic locations across the County where a business case exists for the implementation of electric vehicle charging infrastructure. In December 2019, Cabinet approved the Councils proposal to bid for Office for Low Emission Vehicles (OLEV) funding in order to accelerate the implantation of the eight immediate priority sites identified as a result of the recent Leader Study. The report recognises the importance of developing a regional approach to standardise the provision and management of charging infrastructure, for which the Council are currently in the process of developing a framework for which other Local Authorities can utilise.</p> <p>Last Updated: 24-Jan-2020</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.8 (CP) Completion of the Council's Leader Project to identify commercially viable sites enabling private sector uptake	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Draft report now complete which has identified strategic locations across the County where the implementation of electric vehicle charging points is deemed viable. The report recommends type of charging units, associated operational models and also costs associated with the required upgrade of existing infrastructure which will assist with future grant applications. Although the aims of the Leader project are predominantly focused to rural areas, the study does cover the entire County. In December 2019, Cabinet approved the Councils proposal to bid for OLEV funding in order to accelerate the implantation of the eight immediate priority sites identified as a result of the recent Leader Study. An application is currently being prepared ready for submission by end of January 2020.</p> <p>Last Updated: 24-Jan-2020</p>							



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ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.10 (CP) Identification of commercially viable sites for the introduction of appropriate charging infrastructure	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Dec-2019	60.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: We are working closely with Welsh Government, specialist consultants and Scottish Power Energy Networks in identifying strategic locations across the County where a business case exists for the implementation of electric vehicle charging infrastructure. This will then allow the Authority to bid for funding to upgrade the existing electricity supply to allow private sector uptake in line with the Councils strategy to act as an enabler. In December 2019, Cabinet approved the Councils proposal to bid for Office of Low Emission Vehicles (OLEV) funding in order to accelerate the implantation of the eight immediate priority sites identified as a result of the recent Leader Study. An application is currently being prepared ready for submission by end of January</p> <p>Last Updated: 24-Jan-2020</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.1.11 (CP) The adoption of a strategy to reduce the Council's reliance on single use plastics	Andrew Farrow - Chief Officer - Planning, Environment and Economy	In Progress	01-Apr-2019	31-Mar-2020	25.00%		
<p>ACTION PROGRESS COMMENTS: The Council's response to climate change and the requirements of Welsh Government for the public sector to be carbon neutral by 2030 was endorsed by Cabinet on 17th Dec 2019. They supported the revision of our existing Carbon Reduction Strategy which will, in turn, be supported by a series of Action Plans, including one for reducing our reliance on single use plastics</p> <p>Last Updated: 24-Jan-2020</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.2.1 (CP) Revise the Waste Management Strategy for the medium-term with aims, objectives and targets	Ruth Cartwright - Regulatory Services Manager	Completed	01-Apr-2019	31-Mar-2020	100.00%		
<p>ACTION PROGRESS COMMENTS: The Council are set recycling targets by Welsh Government. Operating to the current waste management strategy, Flintshire are achieving these targets in advance of statutory timescales. Welsh Government have suggested that targets will be increased in the future which would make achieving them difficult with the current services provided. Therefore, there was a need to review the current waste management strategy. A public consultation was undertaken between September 2019 and October 2019 to gauge public opinion on the current recycling and waste collection service and to consider alternative delivery model options. The outcome of the consultation was presented to the Councils Cabinet Committee on the 17th December with a recommendation to revise the current waste collection strategy to provide a more robust enforcement approach to those residents who do not recycle and to improve education and understanding on what can be recycled.</p> <p>Last Updated: 24-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.2.2 (CP) Parc Adfer opened on time and to operational requirements with the diversion of regional and local non-recyclable domestic waste to the new facility	Ruth Cartwright - Regulatory Services Manager	Completed	01-Apr-2019	31-Dec-2019	100.00%		
<p>ACTION PROGRESS COMMENTS: Parc Adfer began accepting regional and local non-recyclable waste from the 27th August 2019.</p> <p>Last Updated: 22-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.2.3 (CP) The development and implementation of an education programme to promote behavioural change	Ruth Cartwright - Regulatory Services Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: The development of a multi-regional education suite is being undertaken at Parc Adfer to educate and inform schools and communities on recycling and waste processes with the aim to influence change. The development of an education/informative campaign for Flintshire residents is being developed following feedback from the public consultation undertaken in 2019.</p> <p>Last Updated: 24-Jan-2020</p>							

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ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.2.4 (CP) Achievement of Parc Adfer Commissioning / Environmental permit award	Ruth Cartwright - Regulatory Services Manager	Completed	01-Apr-2019	31-Mar-2020	100.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Parc Adfer was awarded its environmental permit in October 2015, by Natural Resources Wales, with a permit variation approved in March 2018. The site began accepting non-recyclable waste on 27th August 2019 and achieved commissioned status on 20th December 2019.</p> <p>Last Updated: 22-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.3.1 (CP) Effective management of our natural environment and accessible green space networks to deliver health, well-being and resilience goals	Tom Woodall - Access and Natural Environment Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

6,000 hedgerow plants are in the process of being planted in partnership with Keep Wales Tidy through the long forest project and a programme of tree works has been completed in preparation of the second phase of the Greenfield Valley Active Travel Route, which will create better links to Holywell High School area. Litter picking hubs have been established at Greenfield Valley and Wepre Country Park. The Rights of Way Team manage 1200km of Rights of Way and recent achievements include access improvement works carried out along the Wales Coast Path along Lord Vivian's Embankment. The team have been working to increase the network length, through a number of Legal Orders being successfully promoted and completed. An 8% increase in the amount of path issues resolved compared to the previous two quarters and a 28% increase compared to the end of the 3rd quarter in 2018. The Access Teams proactive approach has seen a noticeable increase in the number of landowners agreeing to replace stiles with kissing gates improving access to the Network. The Wepre Country Park Education Programme 2019 welcomed 13 visits from six schools reaching a total of 465 children. Our Greenfield Valley Education Programme 2019 engaged with 1746 children. In 2019 we held 55 Countryside Events with over 2000 beneficiaries 25 Greenfield Valley Events with 5759 beneficiaries. This included a Flagship Go wild BioBlitz event in Wales Nature Week and an intergenerational nature walk with FCC Social Services and Rights of Way Team.

Last Updated: 24-Jan-2020



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.3.2 (CP) Protecting the resilience of our natural environment by increasing the biodiversity value of council owned or managed land	Tom Woodall - Access and Natural Environment Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

We have continued to coordinate the regional nature partnership and a number of partnership projects which support improved use of green spaces. In addition we have continued to coordinate volunteer wildlife recording groups including Sand Lizard and Dormouse monitoring. Section 6 of the Biodiversity Duty Plan Report is complete for 2019: 67% of actions have been either completed or good progress has been made. The tree planting programme has continued with an additional 583 trees planted this winter to date and further planned this winter season. A wildflower campaign has been initiated working with Streetscene, key objectives include reduced mowing regimes, establishing trial perennial wildflower verges and improving management at wildflower rich verges.

Last Updated: 24-Jan-2020



Updated 8/1

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.4.1 (CP) The success of measures to protect the built and environmental assets through the LDP process	Adrian Walters - Team Leader	In Progress	01-Apr-2019	31-Mar-2020	30.00%	 AMBER	 AMBER

ACTION PROGRESS COMMENTS:

The policies in the Deposit Local Development Plan (LDP) cannot be afforded weight in the determination of planning applications until the Plan is adopted. Once adopted, this indicator and the policies will be monitored as to their effectiveness over the remaining Plan period i.e. up to 2030. However, the consultation representations received on the relevant policies in the Deposit LDP has not indicated that there is any fundamental deficiency with the policies or conflict with national planning guidance, and have not attracted objection from Welsh Government. The built and natural environment policies are therefore likely to remain largely intact through the examination of the LDP with possible minor policy wording changes only



Last Updated: 15-Jan-2020

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.1.4.2 (CP) The publication of policies and proposals within the Deposit Plan to protect the built and natural environment	Adrian Walters - Team Leader	Completed	01-Apr-2019	31-Mar-2020	100.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

The LDP was placed on deposit for public consultation on 30/09/19 for a six week period, having been approved by the Council at its respective meetings on 23/07/19 and 11/09/19.



Last Updated: 22-Oct-2019

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.1.1 (CP) The effective introduction of an in-house minibus service as an innovative and sustainable based transport scheme to meet need and demand	Ceri Hansom - Integrated Transport Unit Manager	In Progress	01-Apr-2019	31-Mar-2020	70.00%	 GREEN	 AMBER

ACTION PROGRESS COMMENTS:

The Council has obtained a Public Service Vehicle Operators licence and been successful in purchasing four, 16 seat wheelchair accessible, minibuses for the provision of an in-house transport service for providing small areas based Local Travel Arrangements. The minibuses purchased are now been utilised throughout the County under contract to operators, the next step is to recruit drivers to operate the vehicles in-house.



Last Updated: 14-Jan-2020

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.1.2 (CP) Development of area based appropriate and sustainable Local Travel Arrangements	Ceri Hansom - Integrated Transport Unit Manager	In Progress	01-Apr-2019	31-Mar-2020	85.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

There are 10 Local Travel Arrangements in service which operate in one of four agreed geographical areas of the County. Following passenger monitoring it has been identified that areas with low passenger numbers may require an alternative transport service, such as demand responsive bus services, to operate sustainably. These options are being developed while the existing bus service still operate. Demand responsive transport has now been introduced within one area of the County (January 2020), monitoring of all local travel arrangements and demand responsive transport is required on an ongoing basis.



Last Updated: 14-Jan-2020

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.2.1 (CP) The range, quality, reliability and frequency of services on the core bus network either through commercially viable services, Partnership arrangements or contracted services	Ceri Hansom - Integrated Transport Unit Manager	In Progress	01-Apr-2019	31-Mar-2020	50.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

The Council are working with local bus operators to develop Quality Bus partnerships along the core bus network, from Rhyl to Chester, to ensure the quality of local bus services encourages increased passenger numbers. The Quality Partnership will deliver integrated ticketing, improved infrastructure (bus stops/highway network) and reliability of services. The current contracted and commercial bus service will be included in future Quality Partnership considerations.



Last Updated: 24-Jan-2020

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.3.1 (CP) Maintaining the infrastructure on the highway network to ensure the resilience, efficiency and reliability of road transport	Sam Tulley - Road Space Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

Following the negative impact of the 2018/19 winter period, pothole repairs have been undertaken throughout the County to ensure that the Highway Network is in a safe condition for the travelling public. Additional resources were contracted during May and June to prioritise the roads in need of repair and improve the overall condition of the network.

Last Updated: 16-Jan-2020



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.3.2 (CP) Delivery of the annual Highways Asset Management Plan	Sam Tulley - Road Space Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN

ACTION PROGRESS COMMENTS:

The capital made available for Highway infrastructure maintenance programmes will be allocated and expended by the end of the financial year. Those monies remain below the level of funding required to maintain a Steady State in the condition of the road network. Streetscene & Transportation ensure that available funding is allocated appropriately, and ensure best value for the expenditure to maintain the highway network. Highways Asset Management Plan (HAMP) schemes are underway as follows. - Resurfacing - Programme of schemes progressing 22 sites completed with 7 sites outstanding- expected completion 31/03/2020; -Surface Dressing – Completed; Patching – Completed; -Undertake condition surveys to produce the annual resurfacing programme by March 2020 - On-going; -Undertake post completion inspections of utility work by March 2020 - On-going Priority is given to the areas of the network that require the investment whilst considering the local infrastructure.

Last Updated: 24-Jan-2020



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ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.4.1 (CP) Meeting the statutory requirements of the Active Travel Act measured by the spend on projects	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Mar-2020	70.00%	 GREEN	 GREEN




ACTION PROGRESS COMMENTS:




The introduction and development of Active Travel infrastructure is at the heart of all transport improvements for which the Authorities approved Integrated Network Map acts as a forward works programme. Active Travel links have now been provided to every business on the Deeside industrial Park, thus providing sustainable access and improved journey times to a major centre of employment. A package of local improvements has also been developed to improve walking and cycling links through the Greenfield Valley to link Holywell with the coast which is scheduled to be delivered over a three year phased programme In May 2019, Cabinet approved the progression of the Mold to Broughton Cycle scheme as the Councils Strategic application under the Welsh Government Active Travel fund for the forthcoming 2020/21 financial year.



Last Updated: 24-Jan-2020

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
4.2.4.2 (CP) Submission of annual report on active travel development across all portfolios to Welsh Government	Anthony Stanford - Highways Strategy Manager	Completed	01-Apr-2019	31-Mar-2020	100.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Annual report submitted to Welsh Government in September of this year.</p> <p>Last Updated: 31-Oct-2019</p>							

Performance Indicators

KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP4.1.2M01 (PAM/030) Percentage of waste reused, recycled or composted	70.23	68.7	70	 AMBER		70	70	 GREEN
<p>Lead Officer: Ruth Cartwright - Regulatory Services Manager Reporting Officer: Gabrielle Povey - Recycling and Compliance Officer Progress Comment: Estimated tonnages used at this point - December figures require verifying</p> <p>Last Updated: 16-Jan-2020</p>								

KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP4.1.2M02 Average recycling rate across all HRC sites	77.37	82.03	80	 GREEN		82.54	80	 GREEN
<p>Lead Officer: Ruth Cartwright - Regulatory Services Manager Reporting Officer: Gabrielle Povey - Recycling and Compliance Officer Progress Comment: Static performance.</p> <p>Last Updated: 27-Jan-2020</p>								




KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP4.2.1M01 Provide Local Travel Arrangements in geographical areas of the County	No Data	8	4		N/A	8	4	

Lead Officer: Anthony Stanford - Highways Strategy Manager
Reporting Officer: Ceri Hansom - Integrated Transport Unit Manager
Progress Comment: Work has been carried out to review the local travel arrangements in place. There are now 8 Local Travel Arrangements as follows:

LT8 – Caergwrle - Hope - Higher Kinnerton - Broughton
CT3 – Northop Hall - Connah's Quay
CT6 – Cymau - Broughton
LT1 – Holywell – Lixwm – Rhes Y –Cae
LT2 – Holywell – Caerwys
LT3 – Holywell to Greenfield
LT4 – Buckley
LT7 – Mold - Treuddyn - Caergwrle - Hope

Local travel arrangements which were not well utilised and patronage was significantly low we have removed two travel arrangements and this has now been replaced with Demand Responsive Transport. A new bus service operating along the core bus network has also been introduced January 2020.

Last Updated: 24-Jan-2020




KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP4.2.3M04 Undertake post completion inspections of utility works	93.13	96.65	90			97.94	90	




Lead Officer: Barry Wilkinson - Highways Network Manager
Reporting Officer: Sam Tulley - Road Space Manager
Progress Comment: Utility companies (such as Welsh Water, BT or Scottish Power) carry out excavation works on the public highway, the repairs to the road are guaranteed by the Utility Company for a period of two years. Every Highway Authority is required to inspect 10% of all repairs before the end of this guarantee period, but FCC inspect more than required to promote best practice and avoid future costs. If any defects are identified during the inspection the Utility are required to carry out the required remedial works, preventing the Authority from being burdened with the future repair costs. Inspections are allocated on a weekly basis, and therefore in order to provide a meaningful and reflective report, the data provided for quarter three are inspections generated in quarter two.

Last Updated: 24-Jan-2020

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Risks

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Reduction of the Single Environment Grant	Tom Woodall - Access and Natural Environment Manager	Lynne Fensome - Management and Support Manager				Closed
<p>Potential Effect: Income targets not met Potential reduction could impact staffing resource to maintain service delivery</p> <p>Management Controls: Raised as a pressure for 2017/18.</p> <p>Progress Comment: The grant ceased to exist in 18/19 and was replaced by the competitive Enabling Nature Grant. An application was made but was unsuccessful, therefore the shortfall in funding from the Single Environment Grant is having to be found from service budgets.</p> <p>Last Updated: 04-Nov-2019</p>						

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Funding will not be secured for priority flood alleviation schemes	Ruairi Barry - Senior Engineer	Lynne Fensome - Management and Support Manager				Open
<p>Potential Effect: Flooding of homes and businesses across the county Potential homelessness</p> <p>Management Controls: Review our approach to funding capital projects</p> <p>Progress Comment: Under the Land Drainage Act 1991, the Council as Lead Local Flood Authority has powers available but is not compelled to undertake flood alleviation works. Flood alleviation schemes are considered in accordance with defined national protocols (based on the Five Case Business Model Approach) in order to be included in Welsh Government's 'Pipeline Programme' which can provide Flood Defence Grant in Aid funding at 85% match funding. At present Flintshire Council have no active schemes in the national programme. Several local sites have been identified with potential for viable flood alleviation schemes. Dedicated resource isolated from delivering statutory legislative Flood Coastal Erosion Risk Management (FCERM) duties is required within the Team to develop these local flood risk sites into schemes for consideration for inclusion into Welsh Government's 'Pipeline Programme'. A Team structure review in quarter one of 2020/21 will seek opportunities to address this. Welsh Government have noted the decline in schemes and are considering implementing measures to support Local Authorities, including regional dedicated 'Project Managers' to facilitate scheme delivery on behalf of local FCERM clients.</p> <p>Last Updated: 24-Jan-2020</p>						

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Insufficient funding to ensure our highways infrastructure remains safe and capable of supporting economic growth	Barry Wilkinson - Highways Network Manager	Ruth Cartwright - Regulatory Services Manager				Open

Potential Effect:

Deterioration of the condition of highways in Flintshire

Management Controls:

Focussed investment through the funding of schemes that maintain or reduce the pace of deterioration of the condition of the main highway infrastructure.

Road Safety Scheme identification for improvement to routes through available funding.

Maximise funding received through the quality of the bid submission by aligning submissions to follow successful bid model techniques.




Progress Comment: The funding provided for the highway infrastructure maintenance programmes has been allocated and will be spent by the end of the financial year. This funding remains below the level of funding required to maintain a Steady State in the condition of the road network, which would need to be >£2.7m per annum.

Streetscene & Transportation agree strategies for investment in highway asset groups, and ensure improved highway asset management and best value for highways investment is achieved.

Condition surveys are undertaken and reviewed annually to produce the annual resurfacing programme for the next financial year. Priority is given to the areas of the network that require the investment whilst considering the local infrastructure.

Last Updated: 24-Jan-2020

06

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Sufficient funding will not be found to continue to provide subsidised bus services.	Ceri Hansom - Integrated Transport Unit Manager	Anthony Stanford - Highways Strategy Manager				Open

Potential Effect:

Decrease in bus services to residents, particularly in rural areas




Management Controls:




Develop services so that they become more commercially viable




Progress Comment:

The bus subsidy is now complete with 10 Local Travel arrangements in place. A review of the local travel arrangements is now taking place and alternative solutions have been recommended where utilisation and patronage on arrangements is particularly low. This will allow the routes to be sustainable going forward.

Last Updated: 15-Jan-2020

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Supply chain resilience of transport providers	Ceri Hansom - Integrated Transport Unit Manager	Anthony Stanford - Highways Strategy Manager				Open
<p>Potential Effect: Transport services cannot be provided</p> <p>Management Controls:</p> <ul style="list-style-type: none"> i) Management of safety compliance checks. ii) Management of financially compliant contracts <p>Progress Comment: The control measures have been put in place to mitigate against another major transport services provider going into administration or not able to meet the required operating standards. New processes have been established and officers are carrying out both safety compliance checks and also finance compliance checks on contractors.</p> <p>Last Updated: 14-Jan-2020</p>						

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Adverse weather conditions on the highway network	Barry Wilkinson - Highways Network Manager					Open
<p>Potential Effect: Increase in cost to future planned repairs as network deteriorates beyond that can be rectified by planned maintenance Increase in insurance claims</p> <p>Management Controls: Targeting funding on those schemes that maintain or reduce the pace of deterioration of the condition of the main highway infrastructure.</p> <p>Progress Comment: During the Summer of 2019, pothole repairs were undertaken in a countywide programme of patching to ensure that the Highway Network is in a safe condition for the travelling public. Repairing the Council's roads is a priority for the service and Area Coordinators continue to identify safety defects on the network, and prioritise the roads in need of repair. This response to defect repair is delivery through the in-house Streetscene & Transportation Service Delivery teams</p> <p>Last Updated: 22-Jan-2020</p>						

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Lack of community support for transport options	Ceri Hansom - Integrated Transport Unit Manager	Ruth Cartwright - Regulatory Services Manager	 Yellow	 Yellow		Open
<p>Potential Effect:</p> <ul style="list-style-type: none"> i) Planned programme of community transport hubs not delivered ii) Decreased passenger numbers on bus services iii) Increase in individual car usage <p>Management Controls:</p> <p>Officer appointed to work full time on the Community Transport / Local Travel arrangement project. Review of schemes to be undertaken 2019/2020</p> <p>Progress Comment:</p> <p>An officer has been appointed in October 2019 to review local travel arrangements implemented and develop work with demand responsive transport. Following a review of services where patronage is low, from January 2020, two local transport arrangements have been replaced with a demand responsive transport arrangement. Further work is ongoing with local communities and operators to review local travel arrangements throughout the County.</p> <p>Last Updated: 22-Jan-2020</p>						

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Public acceptance and support for recycling and re-use	Ruth Cartwright - Regulatory Services Manager					Open

Potential Effect:

Increased financial pressure to pay for disposal of residual waste.
Failure to meet Welsh Government statutory recycling/re-use/composting targets.

Management Controls:

Continued public engagement with Flintshire residents to educate on waste management issues.
Monitoring of resident recycling participation rates.
The use of enforcement to ensure compliance with recycling collection requirements.

Progress Comment:

The Council has achieved the statutory recycling target for 2024-5. The Council recently consulted with residents on the future of the collection service. Almost 9000 responses were received clearly showing that residents are engaged and value the current service. Feedback received will be used to target education campaigns to improve understanding and engagement. The Christmas waste campaign was well received by residents and Members.

Last Updated: 15-Jan-2020

Mae'r dudalen hon yn wag yn bwrpasol



Appendix 2 – Quarter 3 Council Plan Monitoring Report – Ambitious Council

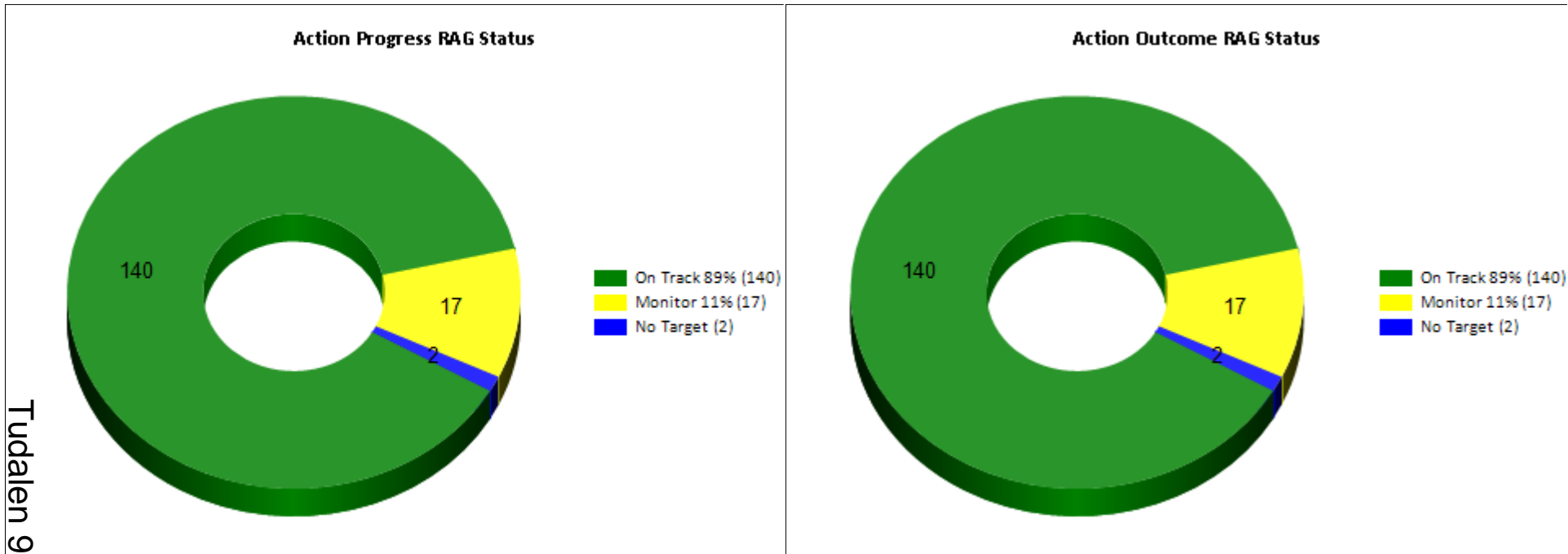
Flintshire County Council

Tudalen 95



Print Date: 28-Jan-2020

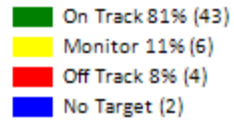
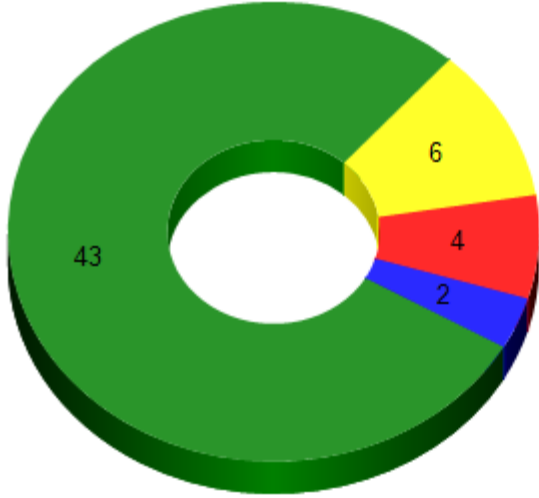
Progress Charts



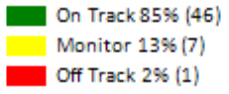
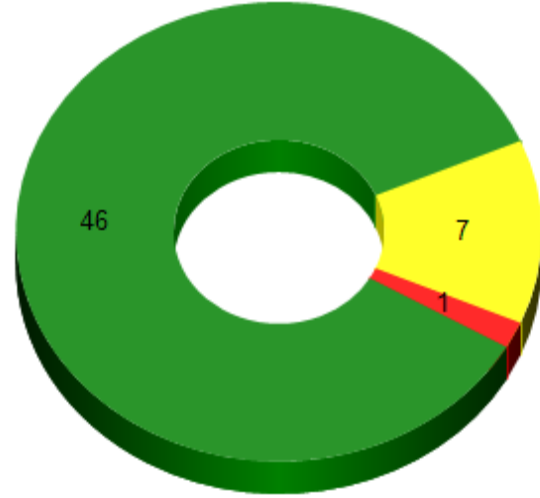
Tudalen 96

'No Target' for Action Progress and Action Outcome denotes Action has not started.

KPI Progress RAG Status

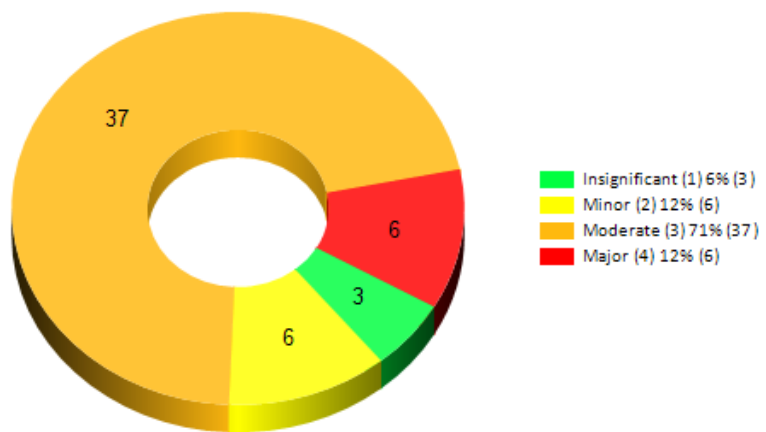


KPI Outcome RAG Status





'No Target' for KPI denotes this is a new KPI and a baseline year is being established



Current Risk Status







Ambitious Council



Actions



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
2.1.2.2 (CP) Planning of new infrastructure schemes to provide business growth in Flintshire (Deeside Enterprise Zone (DEZ) etc.) for the medium-term	Ian Bushell - Technical and Performance Manager	In Progress	01-Apr-2019	31-Mar-2020	30.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: The medium term Integrated Transport Plan for the Deeside Industrial Estate involves providing multi model sustainable transport which includes the provision of a Park & Ride/Share facility, Shuttle Interchange and the Deeside Parkway Station. Shared use walking and cycling infrastructure, to Active Travel Standards, provides access to the entrance to every place of employment in the park. In addition to this, Deeside Parkway Station is in the options appraisal stage along with the proposed shuttle interchange.</p> <p>Last Updated: 22-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
2.1.2.3 (CP) Maximise opportunities to achieve available funding for scheme improvements whilst so achieving timely grant submissions	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Mar-2020	80.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Having recently received invitations for Welsh Government funding, we have now identified appropriate schemes for submission via a number of grant funding streams for the forthcoming financial year (2020/21). Written Grant applications are currently being prepared in line with specified deadlines.</p> <p>Last Updated: 14-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
2.1.2.4 (CP) Provision of a new Park and ride facility within Deeside Industrial Park	Ian Bushell - Technical and Performance Manager	In Progress	01-Apr-2019	31-Mar-2020	40.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: The detail design stage is now complete as part of the design and build contract. The expected start date of full construction is March 2020.</p> <p>Last Updated: 22-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
2.1.5.1 (CP) Key interventions for cycleways, active travel, highway improvements, bus network and rail improvements	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: A number of key integrated transport interventions are currently being developed for inclusion within pending applications to Welsh Government for the forthcoming financial year (2020/21). Long term aspirations will see the methodology utilised in Deeside being replicated across the County as a whole in order to develop a fully integrated transport solution</p> <p>Last Updated: 14-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
2.1.5.2 (CP) Key interventions for accessing employment, health, leisure and education facilities by accessing national funds with winning business cases	Anthony Stanford - Highways Strategy Manager	In Progress	01-Apr-2019	31-Mar-2020	75.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: The core aim of the Authorities Integrated Transport Strategy is to facilitate access to sites of employment, health, leisure & education. The Council seeks to replicate the methodology utilised in Deeside across all strategic locations of the County thus achieving a fully integrated transport solution for the County as a whole and cross border. Streetscene's forward work programme ensures that applications for numerous funding streams are prepared in advance thus ensuring highest chance of bid success.</p> <p>Last Updated: 24-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
2.1.5.3 (CP) The LDP Deposit Plan making provision for local growth which will be supported by new or improved infrastructure	Adrian Walters - Team Leader	Completed	01-Apr-2019	31-Mar-2020	100.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: The Deposit LDP is accompanied by an Infrastructure Plan which identifies the approach the preparation of the Plan has taken in terms of engaging with infrastructure providers and ensuring appropriate infrastructure either exists or can be provided. The Infrastructure Plan will be reviewed and updated as the Plan progresses.</p> <p>Last Updated: 18-Oct-2019</p>							



Appendix 3 – Quarter 3 Council Plan Monitoring Report – Safe and Clean Council

Flintshire County Council

Tudalen 101

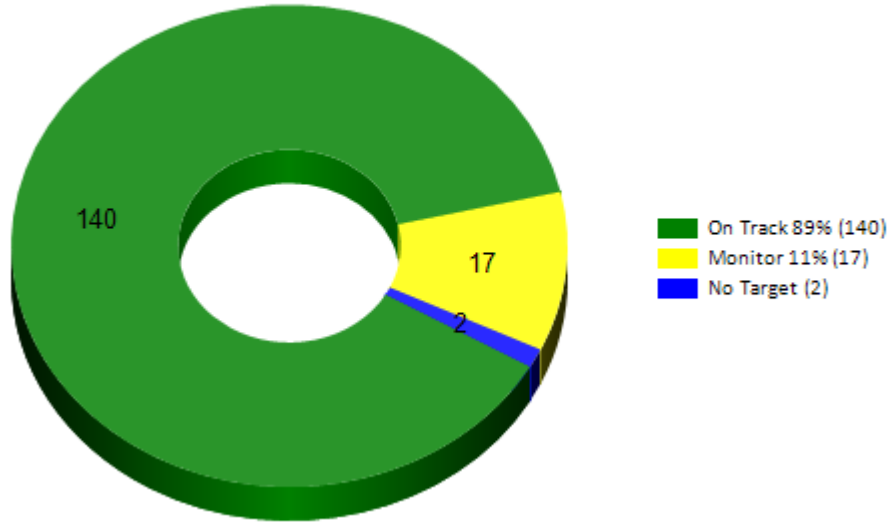


Print Date: 28-Jan-2020

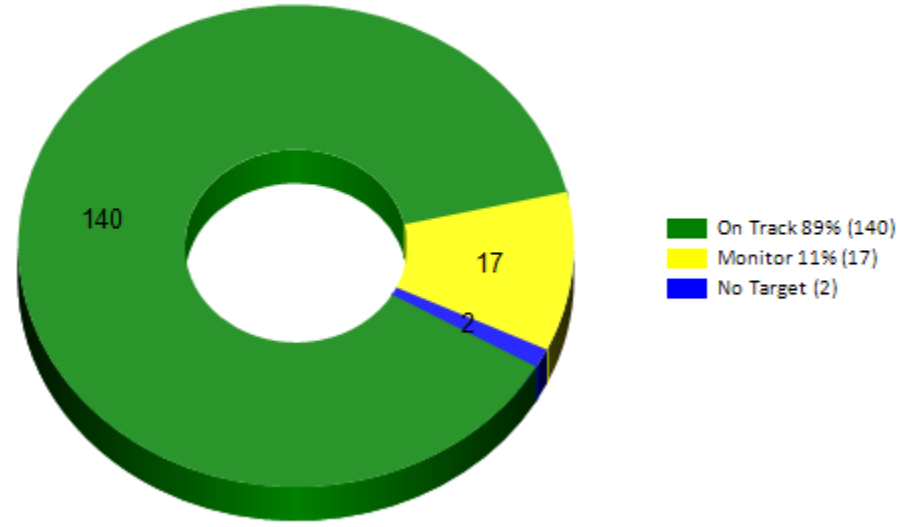
Progress Charts

Tudalen 102

Action Progress RAG Status

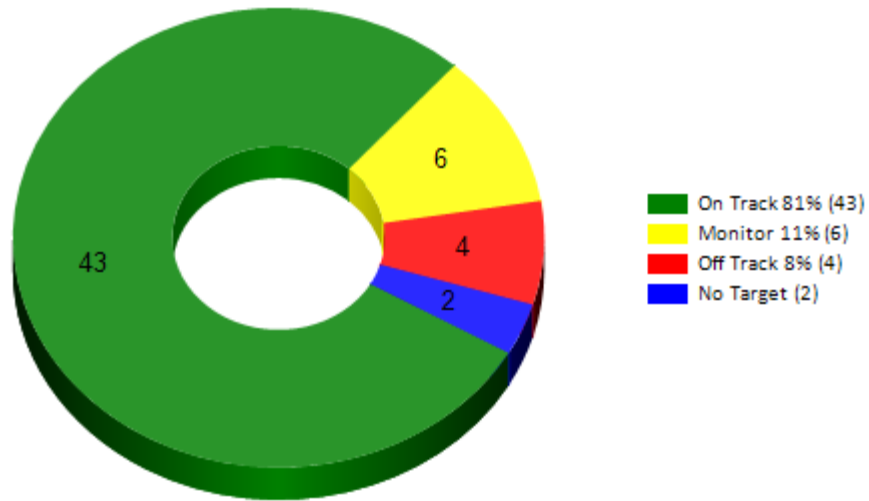


Action Outcome RAG Status

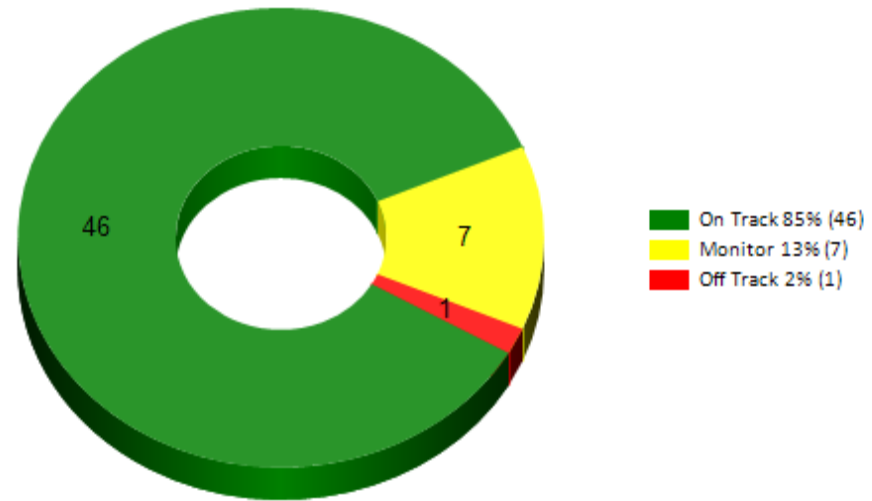


'No Target' for Action Progress and Action Outcome denotes Action has not started.

KPI Progress RAG Status

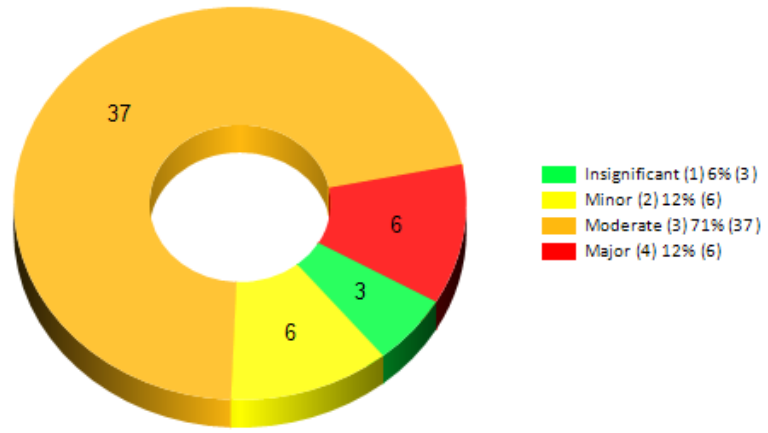


KPI Outcome RAG Status





'No Target' for KPI denotes this is a new KPI and a baseline year is being established



Current Risk Status





Safe and Clean Council



Actions



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.3.1 (CP) Maintaining the percentage of broadly compliant establishments within the County for public protection	Helen O'Loughlin - Team Leader - Food Safety & Food Standards	Ongoing	01-Apr-2019	31-Mar-2020	-	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: National Indicator that is reported annually. The team carry out a planned programme of inspections throughout the year to ensure the percentage of compliant establishments remains at a consistently high percentage.</p> <p>Last Updated: 14-Jan-2020</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.4.1 (CP) Performance against current performance standards for front-line Streetscene and Transportation	Barry Wilkinson - Highways Network Manager	In Progress	01-Apr-2019	31-Mar-2020	85.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: The Streetscene Standards have been agreed through a working group of elected members at the implementation of the service. These standards have been set as a minimum standard of service delivery to the county. The operations within Streetscene & Transportation continue to deliver these standards to the highest degree possible whilst responding to the prevailing demands.</p> <p>Last Updated: 06-Jan-2020</p>							



Tudalen 105



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.4.2 (CP) Completion of a review and of performance standards for front-line Streetscene and Transportation Services	Katie Wilby - Transportation and Logistics Manager	Completed	01-Apr-2019	31-Mar-2020	100.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: In July 2019, the Council's Cabinet approved the adoption of revised Streetscene service standards detailed, which included the additional service standards as a result of the portfolio changes.</p> <p>Last Updated: 18-Oct-2019</p>							



ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.5.1 (CP) Levels of enforcement against our standards for car parking, litter and dog fouling	Vicky Plant - Support Services Manager	Ongoing	01-Apr-2019	31-Mar-2020	-	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: Flintshire County Council currently undertake Civil Parking Enforcement and Environmental Enforcement. Civil Parking is the issuing of Penalty Charge Notices, off street and on street. And Environmental Enforcement covers, Fly Tipping, Littering, Side Waste, Public Space Protection Order (PSPO), Dogs Control Orders including dog fouling and abandoned vehicles. The standards for enforcement are set out in the environmental enforcement policy.</p> <p>Last Updated: 24-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.5.2 (CP) Develop and implement five education programmes for environmental awareness	Vicky Plant - Support Services Manager	In Progress	01-Apr-2019	31-Mar-2020	65.00%	 GREEN	 GREEN
<p>ACTION PROGRESS COMMENTS: To date, three educational programmes have taken place. Two programmes relate to specific hot spot area of side waste and fly tipping, these areas are Shotton and Queensferry . Residents have been educated by leaflet drops and door knocking face to face talks with officers from the authority and also local members of the areas. The programmes have included the installation of camera systems to record evidence and these have so far have proved to be a very successful deterrent and the areas are seeing an improvement in cleanliness. The third programme is the education and engagement of residents regarding dog fouling and dog control at specific locations across Flintshire. An educational campaign is being considered in relation to school visits and parking issues in school areas. The enforcement team has seen an increase in the complaints received about parking in school areas and feel it would be beneficial to provide some education and hands on engagement with pupils.</p> <p>Last Updated: 24-Jan-2020</p>							




ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.5.3 (CP) Patrol Pay and Display Car parks and on street traffic restriction to ensure compliance, monitored via back office technology and reporting	Vicky Plant - Support Services Manager	Ongoing	01-Apr-2019	31-Mar-2020	-		
<p>ACTION PROGRESS COMMENTS: Weekly rotas are produced to ensure that all of the public car parks and on street traffic restrictions are monitored on a consistent and regular basis. On street logs are produced for each officer via their hand held terminals and these can be crossed checked with rota details for further accuracy. The Civic Enforcement Officers's meet with the Administration and Enforcement manager at monthly one to one meetings. On street logs of officer work activity are reviewed at these meetings and form a basis of the cross checks.</p> <p>Last Updated: 24-Jan-2020</p>							




ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.5.4 (CP) Ensure that all Pay and Display infrastructure is operational utilising back office technology and reporting	Vicky Plant - Support Services Manager	Ongoing	01-Apr-2019	31-Mar-2020	-		
<p>ACTION PROGRESS COMMENTS: Daily checks are made on back office systems to ensure that all car parking machines are up and running and reporting any faults. If a fault does occur an email is sent from the machine to all the enforcement officers to update them. An officer in the area will then attend the machine to troubleshoot the problem. Any issues that cannot be resolved are then escalated to supervisor/manager level to see if they can resolve the issue. The final step would be to call out the Supplier if any issues cannot be resolved.</p> <p>Last Updated: 14-Jan-2020</p>							




ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.5.5 (CP) Respond to, and monitor, environmental crime complaints (in line with Streetscene standards)	Vicky Plant - Support Services Manager	Ongoing	01-Apr-2019	31-Mar-2020	-		
<p>ACTION PROGRESS COMMENTS: Streetscene standards for fly tipping require a completion within 24 hours. All incidents are emailed through to the Enforcement Officers via the Customer Contact Centre Customer Relationship Management (CRM) System. The officer will attend the fly tip and carry out an investigation. Following this the officer will send a return email to confirm that the item(s) are ready for collection. The Customer Contact Centre will then email the relevant Area Supervisor to arrange collection. Abandoned vehicles will follow a similar process but there is no 24 hour collection standard. In this instance the monitoring will be at the Officer discretion based on the nature of the incident. Both Fly Tipping and Abandoned vehicles are recorded by the Enforcement Team in a spreadsheet to show dates reported and dates visited.</p> <p>Last Updated: 24-Jan-2020</p>							

ACTION	LEAD OFFICER	STATUS	START DATE	END DATE	COMPLETE %	PROGRESS RAG	OUTCOME RAG
5.1.5.6 (CP) Ensure all Fixed Penalty Notices / Penalty Charge Notices are progressed to ensure ongoing compliance	Vicky Plant - Support Services Manager	Ongoing	01-Apr-2019	31-Mar-2020	-		
<p>ACTION PROGRESS COMMENTS: For Penalty Charge Notice's (PCN's) the progression includes administrative processes that are carried out via the Partnership company Wales Penalty Processing Partnership (WPPP). To include taking payments, processing appeals, notice to owner, bailiff engagement and Traffic Penalty Tribunal. Fixed Penalty Notice's (FPN's) are logged internally by the Enforcement Team, non-payment within 14 days will instigate a reminder letter giving another seven days to make payment. Failure to pay in this period will result in a second reminder giving another seven days to make payment. Failure to pay in this window will result in Single Justice Procedure paperwork being issued and an attendance at court if pursued. The internal spreadsheet gives an up to date record of payments made and current timescales.</p> <p>Last Updated: 24-Jan-2020</p>							




Performance Indicators

KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP7.1.4M01 Achieve minimum level of agreed standards	0	85	0			85	0	
<p>Lead Officer: Barry Wilkinson - Highways Network Manager Reporting Officer: Barry Wilkinson - Highways Network Manager Progress Comment: Baseline Year: The portfolio continues to support the delivery of the service at the standards agreed, whilst responding to the demands of the service.</p> <p>Last Updated: 24-Jan-2020</p>								

KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP7.1.5M01 Number of targeted environmental educational campaigns	No Data	3	1.25			6	3.75	
<p>Lead Officer: Ruth Cartwright - Regulatory Services Manager Reporting Officer: Vicky Plant - Support Services Manager Progress Comment: Baseline Year: Developing campaign for school visits/education regarding parking issues in school areas.</p> <p>Last Updated: 24-Jan-2020</p>								

KPI Title	Pre. Year Period Actual	Period Actual	Period Target	Perf. RAG	Perf. Indicator Trend	YTD Actual	YTD Target	Outcome RAG
CP7.1.5M02 Progress non-payment of all Penalty Charge Notice (PCN) / Fixed Penalty Notice (FPN).	0	90.37	100			90.37	100	
<p>Lead Officer: Ruth Cartwright - Regulatory Services Manager Reporting Officer: Vicky Plant - Support Services Manager Progress Comment: Baseline Year: Staff absence has hindered the progression of Fixed Penalty Notices's for this quarter</p> <p>Last Updated: 24-Jan-2020</p>								

Risks

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Increased demand on enforcement services with introduction of new legislation	Vicky Plant - Support Services Manager	Ruth Cartwright - Regulatory Services Manager				Open
<p>Potential Effect: Lack of resilience to respond to parking contraventions or environmental crimes Increased environmental crimes resulting in deterioration of natural environment Decreased highway safety</p> <p>Management Controls: Review upcoming legislative changes Improved time management of current enforcement team</p> <p>Progress Comment: Management Control in terms of Improving the Time Management of the Officers. The rota was changed Spring 2018 to effectively change the conflict of crossover within the roles and allow the continuity of patrol to be more time effective. The team numbers have also increased from four to eight, and flexible working hours have also been introduced. Management changes to the rota are reflected in service demand and issues as reported in specific areas by members of the public, school, councillors etc.</p> <p>Last Updated: 24-Jan-2020</p>						

TUESDAY 11:00

RISK TITLE	LEAD OFFICER	SUPPORTING OFFICERS	INITIAL RISK RATING	CURRENT RISK RATING	TREND ARROW	RISK STATUS
Lack of public support for enforcement services	Vicky Plant - Support Services Manager	Ruth Cartwright - Regulatory Services Manager				Open

Potential Effect:

Lack of support for the enforcement services
 Rescinding of enforcement action leading to lack of confidence in service
 Abuse and aggression towards the enforcement team
 Increased traffic contraventions and environmental crime occurrences

Management Controls:

Improved engagement with public via education and engagement events
 Improved understanding of what a parking or environmental crime is.

Progress Comment:

Ongoing Educational Campaigns have been progressed and the control measures put in place are currently in the process of being supported Corporately. However further work is still required.

Last Updated: 24-Jan-2020

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 7



ENVIRONMENT AND OVERVIEW SCRUTINY COMMITTEE

Date of Meeting	Tuesday 10th March 2020
Report Subject	Update on Garden Waste Charges in Flintshire
Cabinet Member	Cabinet Member Streetscene and Countryside
Report Author	Chief Officer for Streetscene And Transportation
Type of Report	Operational

EXECUTIVE SUMMARY

In January 2018, the Council's Cabinet approved the introduction of a set charge for the collection of kerbside collected garden waste where a resident signs up to a subscription scheme. Throughout the last two years of collection, the fee stood at £30 per bin with a sticker issued and affixed to the bin to identify those subscribed to the scheme.

In July 2019, as part of the annual fees and charges review, the charge for the collection service was increased and a new tag system has been implemented to identify those bins registered to the service.

This report provides Scrutiny with an update on the 2020 garden waste collection season since the revised changes have been implemented.

RECOMMENDATIONS

1.	That Scrutiny notes the work undertaken on the 2020 garden waste collection scheme.
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REPORT DETAILS

1.00	BACKGROUND TO THE REVIEW OF GARDEN WASTE CHARGES
1.01	<p>There is no statutory duty on the Council to collect garden waste; however garden waste collections contribute significantly to the overall recycling performance through both the brown bin collection service and the garden waste collected at our Household Recycling Centres (HRC's).</p> <p>The WG Waste Collections Blueprint (2011) recommends that this discretionary service is offered as a chargeable service, which should help to</p>

	reduce landfill and generate revenue for the provision of other statutory services, such as dry recycling and food collections.
1.02	<p>The collection service is currently provided from the beginning of March to mid-December each year and provides residents with a 140L brown bin (for garden waste), which is collected alternately with a 180L black bin (for residual waste) on a fortnightly basis.</p> <p>The garden waste collected is taken to the Council's 'open windrow' composting facility in Greenfield, where it is turned into soil conditioner, which is then made available to residents, free of charge, at the Council's HRC sites.</p>
1.03	In April 2015, Cabinet approved the introduction of a charge where more than one brown bin was being used by residents, previously these bins were collected free of charge. Around 2,200 residents subscribed to this service which generated a revenue income of around £50,000 to the Council.
1.04	<p>In line with the Corporate Charging and Income Policy it is important that all discretionary services achieve full cost recovery. Subsequently, Cabinet approved the introduction of the £30 subscription charge for the collection of garden waste in January 2018. In the first year of the subscriptions, 33,871 permits were sold generating an income of £1,016,130</p> <p>In January 2019, Cabinet agreed to continue the garden waste subscription scheme and agreed that the fee would remain at £30 per bin with the fee then being reviewed as part of the annual fees and charges review. In the second year of the subscription scheme, 32,564 permits were sold generating an income of £976,925.</p> <p>The reduced number of subscriptions in the second year being due to the reduced number of second and third bin collections.</p>
1.05	<p>In July 2019, Cabinet approved an increase in charge for the garden waste subscription within the annual review of portfolio fees and charges. The agreed charging structure for the 2020 season was set as:</p> <p>£32.00 for payments made on or before 29th February 2020</p> <p>£32.00 for ALL online payments throughout the season</p> <p>£35.00 for payments made after 1st March 2020 when residents choose to pay over the phone or use a payment kiosks at Flintshire Connects for cash payments</p> <p>The scheme is limited to three brown bin subscriptions per property. Should any additional brown bins be purchased these will remain at a charge of £30.00 per bin (this does not include the collection of the additional bin).</p>
1.06	<p>The 2020 subscription process has been open to applications since October 2019. This was to encourage residents to make their applications as soon as possible online and take advantage of the early payment offer.</p> <p>The 2020 season has been promoted widely since this time via a number of means:</p>

	<ul style="list-style-type: none"> • Leaflet drop to all Flintshire properties • Public engagement events • Flintshire’s website, including promotional story • Press releases • Flintshire’s social media • Email to residents (My Account, .Gov registered subscribers)
1.07	<p>To date 19,000+ subscriptions have been received with all residents paying the rate of £32. Of those subscribed, 68.79% have made their application via the online payment system and 30.76% have paid via phone or in person.</p> <p>This has generated an income of in excess of £600k (£38k+ generated by the additional £2 per bin).</p> <p>Compared with previous years’ trend analysis, the service has seen applications submitted throughout the year, up until the end of the collection season (December). However, for comparison purposes, to date there have been in excess of 5,000 more applications this season than at the same time in the 2019 season.</p>
1.08	<p>For the 2020 season, a tag system is being used instead of a sticker to identify those properties subscribed to the scheme. The tag will be fixed to the handle of the brown bin (by the resident) and must be clearly visible to the collection crew. Tags are being sent directly to residents along with instructions of how and where to attach them to the brown bin Appendix 1.</p> <p>The tag and information packs are being compiled and distributed by Streetscene’s support service team to reduce any late delivery and quality issues.</p> <p>The tags are made from 100% recyclable polypropylene, which can be recycled with the normal household plastic recycling at the end of the year or if they are no longer required.</p>
1.09	<p>Permit packs are currently being distributed to all registered properties in preparation for the start of collections. In the pack the resident will receive:</p> <ul style="list-style-type: none"> • A covering letter with start dates etc. • The terms and conditions for the collection service • 2020 garden waste tag with unique reference number • Privacy Notice
1.10	<p>The garden waste collection service will run from 2nd March 2020 until 13th December 2020 (inclusive) and will continue to alternate with the residual waste (black bin) collection on a fortnightly basis.</p>

2.00	RESOURCE IMPLICATIONS
2.01	The financial benefit from the charge will provide full cost recovery against the cost of delivering the service.

2.02	The delivery and receipt of the payments and tags places a high demand on the support services team.
3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	A delivery project team is established and monitors the delivery of the garden waste scheme throughout the season.
4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	Cabinet Member for Streetscene and Transportation.
4.02	Environment Overview and Scrutiny Committee
4.03	Cabinet Committee
5.00	APPENDICES
5.01	Appendix 1 – Information leaflet for affixing tag
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Link to WG Blue print: http://www.wrapcymru.org.uk/sites/files/wrap/Municipal%20Sector%20Plan%20Wales%20-%20Collections%20Buleprint.pdf</p> <p>Website and payment link: https://www.flintshire.gov.uk/en/Resident/Bins-Recycling-and-Waste/Garden-Waste-Collection-Service.aspx</p>
7.00	CONTACT OFFICER
7.01	<p>Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk</p>
8.00	GLOSSARY OF TERMS
8.01	<p>WG – Welsh Government MWC – Managed Weekly Collections HRC - Household Recycling Centres</p>

Terms and Conditions of the Garden Waste Collection Service - 2020

APPENDIX 1

1. This agreement is made between the resident ('Customer') and Flintshire County Council ('the Council') of Alltami Depot, Mold Road, Alltami, Flintshire CH7 6LG and sets out the Terms and Conditions under which the Customer may use the Council's garden waste fortnightly Collection Service ('the Service'). The Council may vary or change these Terms and Conditions from time to time. The Customer will be given 10 days written notice of any such changes.

2. In line with the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, the Customer has 14 days from receipt of these Terms and Conditions to request cancellation of the Service. Requests to cancel the Service must be in writing to Flintshire County Council, Alltami Depot, Mold Road, Alltami, Flintshire CH7 6LG or emailed to streetscene@flintshire.gov.uk. Cancellations cannot be accepted over the phone.

3. Collections for the Service will only be available to Customers who have subscribed for the Service in advance and reside in Flintshire. The Council will base their decision to empty or leave a brown garden waste bin presented for collection from the identification tag or sticker on the bin, along with an electronic barcode reader (and whether the brown garden waste bin contains any contaminated material – see Clauses 11 and 12).

4. Customer subscriptions are renewable annually from October each year for the subsequent collection season ('Subscription Period'). Only Customers who have paid their subscription are eligible to receive the Service. The Customer will be notified of any price increases before the commencement of a new Subscription Period.

5. The subscription for the Service consists of an annual charge as follows:
a) Payments before 29 February 2020 = £32.00 per bin;
b) ALL online payments (throughout the collection season) = £32.00 per bin
c) Standard rate from 1 March 2020 = £35.00 per bin
This charge to the Customer is for the collection of one brown garden waste bin, which has been set by the Council for the period March to December. Subscription prices are subject to review at the Council's discretion.

6. Additional brown garden waste bins can be supplied. Any additional brown garden waste bins will be charged at £30.00 per bin (this does not include the collection of the additional bin). This will be limited to an overall maximum of 3 bins. A Customer is not permitted to use more than 3 brown garden waste bins under the Service.

7. For the avoidance of doubt, any brown garden waste bin that is provided to the Customer by the Council (including any replacement) is under an exclusive and revocable licence and any such bin must be used in accordance with these Terms and Conditions. The Customer is not permitted to sub-licence and the Council shall retain ownership of all its Intellectual Property Rights.

8. The Council empties brown garden waste bins fortnightly, between 1st March and 13th December each year. There may be occasions when it is not possible to collect the Customer's brown bin, including but not limited to: adverse weather conditions, vehicle breakdowns and/or industrial action. If the Council misses or cannot collect the Customer's brown garden waste bin as scheduled, the Council will use its reasonable endeavours to collect the bin(s) as soon as possible. Under no circumstances will the Council give refunds (whole or partial) for missed collections or being unable to collect a brown garden waste bin.

9. The Customer will be responsible for the brown garden waste bins, which must remain with the subscribed property in the event of the Customer moving home during the year. If the Customer moves house within Flintshire the subscription

can be transferred to the new property address. Please contact the Council to confirm the details via email: streetscene@flintshire.gov.uk. If the new property within Flintshire does not have a brown bin, this will incur a new charge of £30 for the bin itself and a separate subscription to the Service as outlined in Clause 5. If the Customer moves out of the County of Flintshire, no refunds (whole or partial) will be given.

10. There are no refunds (whole or partial) for the cancellation of the Service part way through the year. If there is evidence of misuse of the Service or the brown garden waste bin by the Customer, then the Service may be cancelled. There will be no refund (whole or partial) in these circumstances.

11. Brown garden waste bin(s) must only be used for garden waste from the subscribed property of the Customer. Only garden waste may be placed loose in the bin.

Garden waste the Council can collect: grass cuttings, hedge clippings, twigs, bark, leaves, flowers, plants, and small branches.

Items the Council cannot accept: large branches, invasive plant species and invasive non-native plants species, turf, earth, soil, stones, gravel, food waste, animal faeces, card, plastic, general waste, pet bedding.

The Council will only collect items listed as acceptable above and anything else will be treated as contamination.

12. Contaminated brown garden waste bins (i.e. bins containing item(s) the Council cannot accept) will not be emptied. If the Customer's brown garden waste bin(s) are contaminated, it is the Customer's responsibility to remove the item(s) of contamination prior to the next collection. If the contamination continues, the Council may cease the Service. There will be no refunds (whole or partial) issued for occasions on which the Customer's brown garden waste bin is not emptied due to contamination.

13. The brown garden waste bin must be presented at the property boundary or designated collection point by 7.00am on the Service collection day as per the Customer's collection calendar provided by the Council. The bin lid must be completely closed and no side waste will be collected, i.e. no extra waste outside or next to the bin or placed on the lid. If the Customer is unable to take the brown garden waste bin to the kerbside because of disability or health problems, he/she must apply to the Council in advance for an Assisted Collection Service.

14. If the Customer's brown garden waste bin becomes damaged, the Council will repair or replace it, free of charge, as soon as is reasonably practical, except in circumstances where the brown garden waste bin is damaged through neglect or misuse, in which case the cost of repair or replacement shall be charged to the Customer. If the Customer's brown garden waste bin is damaged, they may apply online: www.flintshire.gov.uk/gardenwaste

15. Customers at properties that do not have access to brown bin collections for operational reasons may apply for Flintshire County Council garden sacks, which will be at a charge of £32.00 per roll, which is inclusive of the subscription charge. Only sacks provided by the Council will be collected. Application by telephone only **01352 701234**.

Garden Waste Collection Service

Please find enclosed your tag for your brown bin(s) to cover collections from March to December 2020.

IMPORTANT NOTE:

The enclosed tag(s) **MUST BE** fixed to the **HANDLE OF YOUR BROWN BIN(S)** and be clearly visible to the collection crew.

If the tag(s) are not clearly visible on your brown bin(s) they will not be emptied.

Please note: only one tag per brown bin



If you have paid for additional bins then place the tags on the handle of each brown bin.

Please refer to your calendar for collection dates.

We strongly advise that you mark your bin(s) with your house name or number.

See online for our frequently asked questions:

www.flintshire.gov.uk/gardenwaste

Telerau ac Amodau'r Gwasanaeth Casglu Gwastraff Gardd - 2020

1. Gwneir y cytundeb hwn rhwng y preswlydd ('Cwsmer') a Chyngor Sir y Fflint ('y Cyngor') o Ddepo Alltami, Ffordd yr Wyddgrug, Alltami, Sir y Fflint, CH7 6LG, ac mae'n nodi'r Telerau ac Amodau y gall y Cwsmer ddefnyddio Gwasanaeth Casglu gwastraff gardd bob pythefnos y Cyngor ('y Gwasanaeth'). Gall y Cyngor amrywio neu newid y Telerau ac Amodau hyn o bryd i'w gilydd. Bydd y Cwsmer yn cael rhybudd ysgrifenedig 10 diwrnod gydag unrhyw newidiadau o'r fath.

2. Yn unol â Rheoliadau Contractau Defnyddwyr (Gwybodaeth, Canslo a Thaliadau Ychwanegol) 2013, mae gan y Cwsmer 14 diwrnod o dderbyn y Telerau ac Amodau hyn i ofyn am ganslo'r Gwasanaeth. Rhaid gwneud ceisiadau i ganslo'r Gwasanaeth yn ysgrifenedig i Gyngor Sir y Fflint, Depo Alltami, Ffordd yr Wyddgrug, Alltami, Sir y Fflint, CH7 6LG neu drwy e-bost, streetscene@flintshire.gov.uk. Ni ellir derbyn cansladau dros y ffôn.

3. Bydd casgliadau ar gyfer y Gwasanaeth ond ar gael i Gwsmeriaid sydd wedi tansysgrifio i'r Gwasanaeth ymlaen llaw, ac yn byw yn Sir y Fflint. Bydd y Cyngor yn seilio eu penderfyniad i wagio neu adael bin gwastraff gardd brown a gyflwynir i'w gasglu o'r sticer neu tocyn adnabod ar y bin, ynghyd â'r darlennydd cod bar electronig (ac a yw'r bin gwastraff gardd brown yn cynnwys unrhyw ddeunydd wedi'i halogi – gweler Gymalau 11 ac 12).

4. Mae tansysgrifiadau cwsmeriaid yn gallu cael eu hadnewyddu'n flynyddol o fis Hydref bob blwyddyn ar gyfer y tymor ganlynol ('Cyfnod Tansysgrifio'). Dim ond Cwsmeriaid sydd wedi talu am eu tansysgrifiad sy'n gymwys i gael y Gwasanaeth. Bydd y Cwsmer yn cael gwybod am unrhyw gynnydd yn y pris cyn dechrau Cyfnod Tansysgrifio newydd.

5. Mae tansysgrifiad i'r Gwasanaeth yn cynnwys tâl blynyddol fel y ganlyn:
a) Taliadau cyn 29 Chwefror 2020 = £32.00 yr un bin
b) POB taliad ar-lein (trwy gydol y flwyddyn) = £32.00 yr un bin
c) Cyfrandd safonol o 1 Mawrth 2020 = £35.00 yr un bin
Mae'r Cwsmer yn cynnwys am gasglu un bin gwastraff gardd brown, sydd wedi'i bennu gan y Cyngor am y cyfnod o Fawrth tan fis Rhagfyr. Mae prisiau tansysgrifio'n destun adolygiad yn ôl disgrisiwn y Cyngor.

6. Gellir cyflenwi biniau gwastraff gardd brown ychwanegol. Bydd tâl o £30 fesul bob bin gwastraff gardd brown ychwanegol (nid yw hyn yn cynnwys casglu'r bin ychwanegol). Bydd hyn yn gyfyngedig i uchafswm o 3 bin. Ni chaniateir Cwsmer i ddefnyddio mwy na 3 bin gwastraff gardd brown o dan y Gwasanaeth.

7. Er mwyn osgoi amheuaeth, mae unrhyw fin gwastraff gardd brown a ddarperir i'r Cwsmer gan y Cyngor (yn cynnwys unrhyw ddisodliad) yn destun trwydded arbennig a dirymiadwy, a bydd unrhyw fin o'r fath yn gorfod cael ei ddefnyddio'n unol â'r Telerau ac Amodau hyn. Ni chaniateir i'r Cwsmer is-dwyddedu a bydd y Cyngor yn cadw perchnogaeth o'i holl Hawliau Eiddo Deallusol.

8. Mae'r Cyngor yn gwagio biniau gwastraff gardd brown bob pythefnos, rhwng 1 Mawrth a 13 Rhagfyr bob blwyddyn. Efallai y bydd adegau pan na fydd yn bosibl casglu bin brown y Cwsmer, yn cynnwys, ond nid yn gyfyngedig i: dywydd garw iawn, cerbydau'n torri a/neu weithredu diwydiannol. Os yw'r Cyngor yn methu neu nid yn gallu casglu bin gwastraff gardd brown y Cwsmer, fel a drefnwyd, bydd y Cyngor yn gwneud pob ymdrech resymol i gasglu'r bin(iau) cyn gynted â phosibl. Ni fydd y Cyngor yn rhoi ad-daliadau (llawn neu rannol) mewn unrhyw achos, am fethu neu am nad oeddent yn gallu casglu bin gwastraff gardd brown.

9. Bydd Cwsmeriaid yn gyfrifol am y biniau gwastraff gardd brown, sy'n gorfod aros gyda'r eiddo sydd wedi tansysgrifio mewn achos o Gwsmer yn symud tŷ yn ystod y flwyddyn. Os yw'r Cwsmer yn symud tŷ o fewn Sir y Fflint, gellir trosglyddo'r tansysgrifiad i'w cyfeiriad newydd. Cysylltwch â'r Cyngor i

gadarnhau'r manylion drwy e-bost: streetscene@flintshire.gov.uk. Os nad yw'r eiddo newydd yn Sir y Fflint gyda bin brown, bydd hyn yn peri tâl newydd o £30 am y bin ei hun, a thanysgrifiad ar wahân i'r Gwasanaeth, fel y nodwyd yn Gymalau 5. Os yw'r Cwsmer yn symud allan o Sir y Fflint, ni roddir ad-daliadau (llawn neu rannol).

10. Nid oes ad-daliadau (llawn neu rannol) am ganslo'r Gwasanaeth hanner ffordd drwy'r flwyddyn. Os oes tystiolaeth o gamddefnyddio'r Gwasanaeth neu o'r bin gwastraff gardd brown gan y Cwsmer, yna gellir canslo'r Gwasanaeth. Ni fydd unrhyw ad-daliad (llawn neu rannol) o dan yr amgylchiadau hyn.

11. Gellir ond defnyddio bin(iau) gwastraff gardd brown ar gyfer gwastraff gardd o'r eiddo sydd wedi'i danysgrifio gan y Cwsmer. Dim ond gwastraff gardd y gellir ei osod yn rhydd yn y bin.

Gwastraff gardd y gall y Cyngor ei gasglu: toriadau gwair, toriadau gwrychoedd, brigau, rhisglau, dail, blodau, planhigion a brigau bach.

Eitemau na all y Cyngor eu derbyn: brigau mawr, rhywogaethau planhigion ymledol a rhywogaethau planhigion anffroddol ymledol, tywarch, pridd, cerrig, graean, gwastraff bywyd, baw anifeiliaid, cardiau, plastig, gwastraff cyffredinol, sarn i anifeiliaid.

Bydd y Cyngor ond yn casglu eitemau a restrir yn dderbyniol uchod, a bydd unrhyw beth arall yn cael ei drin fel halogiad.

12. Ni fydd biniau gwastraff gardd brown wedi'u halogi (h.y. biniau yn cynnwys eitem(au) na all y Cyngor eu derbyn) yn cael eu gwagio. Os yw bin(iau) gwastraff gardd brown y Cwsmer wedi'u halogi, cyfrifoldeb y Cwsmer yw symud yr eitem(au) wedi'u halogi cyn y casgliad nesaf. Os yw'r halogiad yn parhau, gall y Cyngor ddod â'r Gwasanaeth i ben. Ni fydd unrhyw ad-daliadau (llawn neu rannol) ar achlysuron pan na fydd bin gwastraff gardd brown y Cwsmer yn cael ei wagio oherwydd halogiad.

13. Rhaid rhoi'r bin gwastraff gardd brown wrth ochr yr eiddo neu'r man casglu dynodedig erbyn 7.00am ar ddiwrnod casglu'r Gwasanaeth, yn unol â'r calendr casglu a roddir i Gwsmeriaid gan y Cyngor. Rhaid cau caead y bin yn llwyr, ac ni chesglir unrhyw wastraff ar yr ochr h.y. dim gwastraff ychwanegol tu allan neu drws nesaf i'r bin neu wedi'i osod ar ben y caead. Os nad yw'r Cwsmer yn gallu mynd â'r bin gwastraff gardd brown wrth ymyl y palmant oherwydd anabledd neu broblemau iechyd, mae'n rhaid iddynt wneud cais i'r Cyngor ymlaen llaw, am Wasanaeth Casglu â Chymorth.

14. Os yw bin gwastraff gardd brown y Cwsmer yn cael ei ddirodi, bydd y Cyngor yn ei drwsio neu'n rhoi un newydd, am ddim, cyn gynted ag sy'n ymarferol o fewn rheswm, ac eithrio mewn amgylchiadau lle mae'r bin gwastraff gardd brown wedi'i ddirodi drwy esgeulustod neu gamddefnyddio, lle codir tâl ar y Cwsmer am drwsio neu ddisodli. Os yw bin gwastraff gardd brown y Cwsmer yn cael ei ddirodi, gallant wneud cais ar-lein: www.siryfflint.gov.uk/gwastraffgardd

15. Gall cwsmeriaid mewn eiddo sydd heb fynediad at gasgliadau bin brown oherwydd rhesymau gweithredol, wneud cais i Gyngor Sir y Fflint am sachau gardd, am taliad o £32.00 y fesul rhôl, sy'n cynnwys y tâl tansysgrifio. Dim ond sachau a roddir gan y Cyngor a fydd yn cael eu casglu. Ceisiadau dros y ffôn yn unig **01352 701234**.

Gwasanaeth Casglu Biniau Brown

Amgaeaf tocyn i'w gosod ar eich bin(iau) brown ar gyfer y cyfnod casglu rhwng mis Mawrth a mis Rhagfyr 2020.

NODYN PWYSIG

Rhaid i'r tocyn(nau) amgaeedig gael eu gosod ar HANDLEN EICH BIN(IAU) BROWN ac i fod yn glir i weld i'r criw casglu.

Os nad yw'r tocyn(nau) i'w weld yn glir ar y handlen, ni chaiff y bin(iau) ei wagu
Sylwch: dim ond un tocyn ar gyfer yr un bin brown.



Os ydych chi wedi talu am finiau ychwanegol cofiwch osod y tocynnau ar handlen pob bin brown.

Edrychwch ar eich calendr i weld pryd y cânt eu casglu.

Rydym yn eich cyngori i nodi enw neu rif eich cartref ar eich biniau.

Edrychwch ar-lein ar tudalen cwestiynau cyffredin:
www.siryfflint.gov.uk/gwastraffgardd

Eitem ar gyfer y Rhaglen 8



ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday 10th March 2020
Report Subject	Waste Permitting and Data Flow
Cabinet Member	Cabinet Member Streetscene and Countryside
Report Author	Chief Officer for Streetscene And Transportation
Type of Report	Operational

EXECUTIVE SUMMARY

Waste management is one of the most heavily regulated services operated by the Council. This is to ensure the protection of the natural environment and address public health concerns and strict guidelines and procedures are necessary within the service, backed up by legislation, for the transportation, acceptance, processing and disposal of all waste materials.

There is a statutory requirement for Council's to report on the types of municipal waste they collect, how they collect it and where that waste is set to be reprocessed or disposed of.

Following a request from Scrutiny this report provides the Committee with an overview of waste permitting and waste data reporting activities within the Council.

RECOMMENDATIONS

1. That Scrutiny notes the information provided on the management of waste arising's, waste permitting and waste data reporting.

REPORT DETAILS

1.00	BACKGROUND TO THE REVIEW OF GARDEN WASTE CHARGES
1.01	Waste Permitting An environmental permit is a document issued by Natural Resources Wales (NRW) which sets out specific conditions on how a waste operation (Landfill Site, Transfer Station, Household Recycling Centre) must be carried out. The conditions include what type of waste can be taken to the site, limits on the amount of waste that can be accepted and stored, and measures that need to be put in place to control site operations with the purpose of protecting the environment.

	<p>To gain an environmental permit a complex application process is undertaken and assessed by NRW. This is to ensure that the site operator is capable, operationally and financially, to undertake the operation. A permit is issued dependant on the type waste activity with more complex permits required for operations such as landfill sites and energy recovery plants than Household Recycling Centres.</p> <p>There are initial costs to gaining an environmental permit and then ongoing annual fees, payable to NRW, to cover the cost of regulation. The permitted site is regularly inspected by Regulatory Officers of NRW to ensure compliance. Where breaches occur, and dependant on the severity of that breach, financial penalties through to prosecutions can occur.</p>
1.02	<p>To hold an environmental permit the organisation must employ Technically Competent Managers (TCM) who are qualified to manage a waste site. Flintshire employ a number of TCM with the Service Delivery and Regulatory Services teams.</p> <p>A control system has to be in place to provide robust management of any environmental impacts therefore, waste services are accredited to ISO 14,001 (environmental management system) and ISO 9,001 (quality management system). These are externally audited twice a year for compliance.</p> <p>The Council currently hold a number of waste permits coving the operations of landfill sites (x2) Waste Transfer Stations (x2) Composing facility (x1) and Household Recycling Centres (x5).</p>
1.03	<p>Duty Of Care Waste duty of care applies to household, industrial and commercial premises. Everyone (residential or business) has a responsibility to take all reasonable steps to ensure that when their controlled waste is transferred to another waste holder, that that waste is managed correctly throughout its complete journey to disposal or recovery.</p> <p>When transferring waste the following steps must be followed:</p> <ul style="list-style-type: none"> • Check that the next waste holder is authorised to take the waste. • Ask the next waste holder where the waste is to be taken to, and checking that the intended destination is authorised to accept that waste • It is best practice to undertake additional checks if it is suspected that the waste will not be handled in line with the duty of care, e.g. requesting evidence that your waste has arrived at the intended destination and that it has been accurately described. <p>A waste transfer note or hazardous waste transfer note must be used to capture the information and this document must be retained for a statutory length of time. NRW or a Local Authority can request to see this documentation at any time, and failure to provide it could result in enforcement action.</p>
1.04	<p>Waste Carrier All trade waste carriers must be registered with NRW to gain a Waste Carriers Licence. This is a legal requirement for any business whether</p>

	providing a service to residential or business premises. Failure to hold a valid licence could result in prosecution and an unlimited fine.
1.05	<p>Waste Reporting</p> <p>Every kilogram of waste collected and disposed of has to be closely monitored and recorded for the purposes of reporting to both NRW and Welsh Government.</p> <p>Operators with an environmental permit must complete ‘waste returns’ to inform NRW about the waste they have received or removed from their site. The information provided is based on each permitted site, which includes details of the waste facility or operation (landfill site, Household Civic Amenity Site etc.), waste received, waste removed (both in tonnages) and the correct type of waste using the European Waste Catalogue. These returns are submitted on a quarterly basis</p> <p>Natural Resources Wales uses this information to:</p> <ul style="list-style-type: none"> • monitor a site’s compliance with their environmental permit conditions • maintain a public register • compile national statistics about waste
1.06	<p>All waste produced and handled by the Local Authority has to be reported through a national reporting tool called WasteDataFlow. This is a web based system for municipal waste data reporting used by all UK Local Authorities with the purpose of having an accurate and consistent reporting tool to Government.</p> <p>It is designed for Local Authorities to allow faster and more accurate data collection of municipal waste statistics; to enhance local data management for reporting and strategic planning purposes; and to offer streamlined access to performance benchmarking with other Authorities; and</p> <p>It also allows Governments to monitor progress towards national and local targets; to produce National Statistics on municipal waste arising; and to provide an evidence base to guide government policy.</p>
1.07	<p>The type of data required for reporting via WasteDataFlow is:</p> <ul style="list-style-type: none"> • Types and numbers of containment methods; • Frequency of collections; • Tonnages, types and destinations of waste collected, rejected and sent for recycling/re-use from kerbside, bring and civic amenity sites and from streetscapes and parks and grounds; • Tonnages and destinations of residual waste collected; • Tonnages and destinations by waste management method; and • Financial costs (these are included under the annual questions and are completed by the finance team). <p>Local Authorities are required to submit this data on a quarterly basis.</p>
1.08	Documents and information relating to the contents of this report are held on public register and the waste data flow website.

2.00	RESOURCE IMPLICATIONS
2.01	The cost of operating the permitted waste facilities is covered by the Councils revenue budget.
3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	The management of waste is within the portfolio risk register
4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	Cabinet Member for Streetscene and Transportation.
5.00	APPENDICES
5.01	None
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Waste Data Flow: https://www.wastedataflow.org/ Public Register: https://publicregister.naturalresources.wales/
7.00	CONTACT OFFICER
7.01	Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk
8.00	GLOSSARY OF TERMS
7.01	NRW – Natural Resources Wales European Waste Catalogue – Description and classification of waste types